1968. No. 135 **[C]**

AGRICULTURAL MARKETING

Pigs

ORDER, DATED 4TH JUNE 1968, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 2(4) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND) 1964(a).

The Ministry of Agriculture after such consultation as is required and in exercise of the powers conferred by Section 2(4) of the Agricultural Marketing Act (Northern Ireland) 1964 hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Pigs Marketing Scheme (Amendment) Order (Northern Ireland) 1968 and shall come into operation on the 1st July, 1968.

Amendment of Scheme

2. The Pigs Marketing Scheme (Northern Ireland) 1933(b) (hereinafter referred to as "the Scheme") is hereby amended as follows:—

(1) For Article 1, the following shall be substituted:—

"**1.** This Scheme may be cited as the Pigs Marketing Scheme (Northern Ireland) 1933".

(2) For Article 2 the following shall be substituted:—

"**2.** In this Scheme:—

"the Act" means the Agricultural Marketing Act (Northern Ireland) 1964;

"bacon pigs" means pigs weighing not less than 170 lb. avoirdupois liveweight or 125 lb. avoirdupois deadweight, other than sows and boars which are required to be licensed under the Live Stock Breeding Act (Northern Ireland) 1922(c);

"the Board" means the Pigs Marketing Board (Northern Ireland);

"deadweight" means the weight of a dressed carcase (after the animal heat has departed) without the hair, liver, melt, heart, lungs (i.e., the pluck or race), guts, caul and gut fat, genito-urinary organs (excluding kidneys), but including the skin, the head with the tongue, the ear roots, the eyes, the kidneys, kidney fat, the tender loins, the fleck or flare, the skirt, the tail, the backbone and the feet;

"gilt" means a female pig which has not been used for breeding;

"pigs" means pigs produced in Northern Ireland and includes carcases of pigs;

"producer" means a person who keeps pigs for the purpose of selling them in an improved condition;

"registered" means registered under this Scheme;

"Secretary" includes any person for the time being authorised by the Board to act as their Secretary;

(a) 1964. c. 13 (N.I.).
(b) S.R. & O. (N.I.) 1933, No. 93.
(c) 12 & 13 Geo. 5 c. 12 (N.I.).

"sows" means female pigs which have farrowed or which have reached a stage of pregnancy which will render the carcases unsuitable for bacon or for the retail pork trade;

"Subsidiary" has the meaning assigned to it by Section 148 of the Companies Act (Northern Ireland) 1960(**d**).

(3) Article 3 is hereby revoked.

(4) For Article 4 the following, which shall be renumbered 3, shall be substituted:—

"**3.** The Board to administer this Scheme shall be a body corporate".

(5) For Articles 5 and 6 the following, which shall be renumbered 4, shall be substituted:—

"**4.**—(1) The elected members of the Board holding office on 1st July, 1968, shall continue to hold office until the 30th June, 1969.

(2) In addition to the elected members, the Board shall include three appointed members, that is to say members who shall be appointed by and who may be removed by the Minister.

(3) The Board shall, as from the 1st July, 1969, consist of thirteen members being three appointed members; the then existing members for the administrative Counties of Antrim, Armagh and Tyrone; one member for each of the administrative Counties of Down, Fermanagh and Londonderry; and one member, who shall be known as a Regional member.

(4) The Board shall, as from the 1st July, 1971, consist of eleven members, being three appointed members; the existing members as at that date for the administrative Counties of Down, Fermanagh and Londonderry; one member for each of the administrative Counties of Antrim, Armagh and Tyrone; the Regional member elected in 1969; and one other Regional member.

(5) An election of County members for the administrative Counties of Down, Fermanagh and Londonderry and of one Regional member shall be held in 1969 and in every fourth calendar year thereafter, and an election of County members for the administrative Counties of Antrim, Armagh and Tyrone and of one Regional member shall be held in 1971 and in every fourth calendar year thereafter. Every election of members shall be held in June. Every elected member shall, subject to the provision of this Scheme, take office on the 1st July following his election and shall hold office until the 30th June in the year in which the next election for his seat takes place. Provided that an election may be held at any time to fill a casual vacancy as prescribed in Article 6(1).

(6) Each County member shall be elected by the registered producers residing in the administrative county for which the election is being held; and Regional members shall be elected by the general body of registered producers in Northern Ireland.

(7) Members elected in respect of administrative counties shall be known as County members and for the purpose of the election of County members of the Board:—

(*a*) that portion of the County Borough of Belfast which is to the west of the River Lagan shall be deemed to be part of the administrative County of Antrim;

(**d**) 1960. c. 22.

(*b*) that portion of the County Borough of Belfast which is to the east of the River Lagan shall be deemed to be part of the administrative County of Down; and

(*c*) the County Borough of Londonderry shall be deemed to be part of the administrative County of Londonderry."

(6) Article 7 is hereby revoked.

(7) For Article 8 the following, which shall be renumbered Article 5, shall be substituted:—

"**5.**—(1) An elected member of the Board shall cease to hold office:—

(*a*) If he delivers to the Board a written resignation of his office and the resignation is accepted by the Board, or, if not accepted, is not withdrawn within seven days; or

(*b*) if he is detained for more than seven days in any place under any enactment in force in any part of the United Kingdom relating to persons of unsound mind; or

(*c*) if he is adjudged bankrupt or enters into a composition with his creditors; or

(*d*) if the Board, by resolution, declare that he had been absent from six consecutive meetings of the Board without reasonable excuse; or

(*e*) if he is convicted of any offence under sub-section (1) of section 23 of the Act; or

(*f*) if the Board, by resolution, declare that he has failed without reasonable excuse to disclose information which he is required by Article 16(3) of this Scheme to disclose.

Sub-paragraphs (b), (c) and (e) shall apply to appointed members of the Board, and sub-paragraph (a) shall apply to those members with the substitution of the Minister for the Board.

(2) A member of the Board shall not be eligible for employment by the Board under a contract of service."

(8) For Article 9 the following, which shall be renumbered 6, shall be substituted:—

"**6.**—(1) If an elected member of the Board dies or ceases to hold office under Article 5, or if no candidate has been nominated for a vacancy to be filled at an election held under Article 22, the Ministry shall either instruct the Board to co-opt a person in his place or shall hold within a period of six months an election as provided in Part IV, subject to any necessary alterations in the procedure laid down in that Part, to fill the vacancy, provided that no action shall be required to fill any such vacancy which would not exceed six months.

(2) Any person so co-opted or elected shall, unless he dies or ceases to hold office as aforesaid, hold office until the 30th June in the year in which the next election takes place for the seat to which he has been co-opted or elected."

(9) For Article 10 the following, which shall be renumbered 8, shall be substituted:—

"**8.** The Board shall, at all times, have power to act notwithstanding any vacancy among their members and may appoint committees out of their own number. A committee shall not hold office beyond the 30th June in the year in which the next election (other than an election to fill a casual vacancy) takes place and shall report their proceedings to, and obey any direction of the Board."

(10) For Article 11 the following, which shall be renumbered 9, shall be substituted:—

"**9.**—(1) The quorum of the Board and of any committee thereof shall be such as the Board, may from time to time determine provided that in the case of the Board the quorum shall, unless otherwise determined, be five, and shall not in any event be less than that number and in the case of any committee shall not be less than three.

(2) In each case the quorum shall include at least one of the members appointed by the Minister.

(3) Questions arising at any meeting of the Board or a committee shall be decided by a majority of the votes of the members present and in the case of an equality of votes at such a meeting, the member acting as chairman shall have a second or casting vote. The Secretary, on the request of any three members of the Board or of the chairman, shall convene a meeting of the Board. A meeting shall be convened by notice in writing to all the members."

(11) Article 12 shall be renumbered 10.

(12) In Article 13, which shall be renumbered 11, after the words "A copy of the minutes of each meeting of the Board" there shall be added the words "and of each committee thereof, shall be sent to the Ministry within fourteen days of such meeting together with a copy of each document which is discussed or tabled at the meeting and which appears to the Board to be necessary for a proper understanding of the minutes or which the Ministry may subsequently request.", and the words "or of any committee thereof, shall be sent to the Ministry within fourteen days of such meeting." shall be deleted.

(13) In Article 14, which shall be renumbered 12, the words "or of the executive Committee of the Board" shall be deleted.

(14) Article 15 shall be renumbered 13.

(15) For Article 16 the following, which shall be renumbered 7 and placed in consecutive order, shall be substituted:—

"**7.**—(1) The Board shall elect from among their members a chairman and vice-chairman who shall (provided they remain members of the Board) hold office for one year and shall be eligible for re-election as chairman and vice-chairman.

(2) The chairman shall not be eligible for appointment as a director of the company set up under Article 25(1) or of any company in which the Board has a financial interest engaged in the slaughter of pigs or the production of any of the commodities specified in Article 31(2)."

(16) For Article 17 the following, which shall be renumbered 14, shall be substituted:—

"**14.** The Board—

(1) may employ such officers and servants as they think fit; provided that—

(*a*) the number, grading, remuneration, terms and conditions of service of all officers and servants shall be subject to the approval of the Ministry except as regards the number of industrial workers and the grading, remuneration and terms and conditions of service of industrial workers where these are determined by or related to the decisions of an appropriate statutory wages body or Joint Industrial Council;

(*b*) the appointment and terms of employment of every officer and servant employed by the Board shall be subject to the approval of the Ministry except as regards officers and servants whose salary or remuneration does not exceed the maximum salary of the Board's grade of Executive Officer Grade II.

(2) shall have an office at which communications and notices will at all times be received and shall notify the Ministry of the address thereof, and of any change in that address."

(17) Article 18 shall be renumbered 15.—(1); the words "(if any)" shall be deleted and the following paragraph added:—

"(2) A Board member shall not be entitled to receive any fees or any other remuneration from or to have any financial interest in any company in which the Board or the company set up under Article 25(1) has a financial interest. Such fees or other remuneration which would, except for this paragraph, have been payable by a company as aforesaid to a member of the Board, shall be paid by the company direct to the Board or to the company set up under Article 25(1) as appropriate."

(18) In Article 19, which shall be renumbered 16, the paragraphs lettered consecutively (a) to (c) shall be numbered (1) to (3) and the sub-paragraphs numbered (i) to (ii) in paragraph (c) (now paragraph (3)) shall be lettered (a) and (b) respectively and for paragraph (d) the following which shall be numbered (4) shall be substituted:—

"(4) A member of the Board shall not vote upon any question relating to any contract to which he is a party or in which he has any interest:

Provided that nothing contained in this provision shall preclude a member of the Board from voting on any question relating to the general policy of the Board:

Provided further that the provisions contained in this Article as to disclosure and voting shall not apply to a member of the Board whose interest in terms of this Article arises by reason only that he is a director of a company in which the Board or the company set up under Article 25(1) has a financial interest."

(19) For Article 20 the following, which shall be renumbered 17, shall be substituted:—

"**17.**—(1) The Board shall keep a register of producers and every producer shall, on application to the Board and having satisfied the Board that he is a producer, be entitled to be registered therein, subject as provided in this Part."

The following paragraph shall be added thereafter:—

"(2) For the purposes of Part IV and Article 37 two or more persons jointly carrying on a farm business or a corporation aggregate shall be regarded as constituting together a single registered producer."

(20) In Article 21, which shall be renumbered 18, the words ", other than Saturdays," shall be deleted and the following added after the words "free of charge".

"The Board shall be under no liability in respect of error or omission in any such copy or for any delay in supplying any such copy, nor shall any election be invalid because of any such error, omission or delay."

(21) In Article 22 the following, which shall be renumbered 19, shall be substituted:—

"**19.** Any person who produces only pigs other than bacon pigs shall be exempt from registration."

(22) In Article 23, which shall be renumbered 20, after the words "his name from the register." the following shall be inserted:—

"A person shall be deemed to cease to be a producer as at 30th December if he has not sold any pigs to the Board during the most recent period of six months ending at that date, unless he can prove to the satisfaction of the Board that he was a producer during that period:"

(23) The following Article shall be inserted:—

"**21.**—(1) The Board shall, in each year, hold a meeting to which all registered producers shall be invited. Such a meeting shall be held within a period not exceeding one month of the publication of the Board's Annual Report and shall be held at such a place as the Board shall appoint.

(2) In addition to the meeting referred to in paragraph (1), the Board may hold in any year ending on 30th June one meeting in each county to which all registered producers in that county shall be invited. Such a meeting shall be convened if there is a request in writing to the Board on or before 20th May in the year in question from not less than 250 registered producers in that county or from the county member for that county together with one other member of the Board.

(3) A meeting referred to in paragraph (1) or in paragraph (2) shall be called by 21 days' notice in writing to all registered producers in the case of a meeting under paragraph (1); in the case of a meeting under paragraph (2), to all registered producers in that county.

(4) The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the holding of that meeting."

(24) For Articles 24 and 25 the following, which shall be numbered Article 22, shall be substituted:—

"**22.**—(1)(*a*) The Ministry shall publish notice of the election, the address at which the Ministry is prepared to receive nominations and the time and date up to which the Ministry is prepared to accept nominations (hereinafter referred to as "the closing date for nominations").

(*b*) The period between the publication as aforesaid and the closing date for nominations shall be not less than fifteen days.

(*c*) Nominations must reach the Ministry not later than 5 p.m. on such day in April of the year in which the election is to be held as the Ministry shall specify.

(*d*) No person shall be eligible for election as a member of the Board unless he has been duly nominated in accordance with the provisions of this paragraph.

(*e*) A candidate for election shall be nominated in writing by two registered producers as proposer and seconder and by at least twelve other registered producers as assenting to the nomination. The nomination shall be sent by registered post or recorded delivery to the Ministry at the address specified or delivered by hand to the address specified in which case a receipt shall be given to the person delivering it.

(*f*) The proposers, seconders and assenters must be registered producers whose names properly appear in the register of producers as at the 31st December in the year previous to that in which the election

is to be held. The proposer, seconder and assenters to the nomination of a candidate for election for a county vacancy shall be registered producers residing within the administrative county for which the candidate is nominated.

(*g*) Each nomination shall be accompanied by an assent signed by the candidate that he is willing to act if elected.

(*h*) The proposal, seconding or assenting by a registered producer being a corporation aggregate may be signed by a member of the Board of Directors or other governing body of the corporation or by its secretary or other permanent officer and the proposal, seconding or assenting by a registered producer being a partnership may be signed by one of the partners.

(*i*) A candidate may withdraw his candidature by sending to the Ministry, at the address specified, by registered post or recorded delivery or delivering by hand a notice in writing of such withdrawal signed by him which must reach the Ministry not later than twelve days after the closing date for nominations.

(*j*) Where there is only one candidate for a vacancy nominated for election the Ministry shall declare the candidate duly elected.

(*k*) Where the number of candidates nominated for election exceeds the number of vacancies the Ministry shall hold an election as provided for in this Article.

(2) Not later than the first Wednesday in June in the year in which the election is to be held, the Ministry shall send a voting paper to every producer who is entitled to vote in accordance with Article 4 and whose name appeared at the 31st December in the previous year in the register of producers, provided that any person who is registered as a producer at that date and is at a later date found not to have been a producer shall be deemed not to have been eligible for registration, nor to have been registered.

(3) The voting paper shall specify the time and date by which it must be received by the Ministry; a voting paper shall not be counted by the Ministry unless it is properly completed and posted so as to reach the Ministry not later than the specified time and date.

(4) A voting paper shall not be taken into account if the voter purports to vote for more candidates than there are vacancies or if the voting paper is not signed by the registered producer.

(5) The voting paper of a registered producer being a corporation aggregate may be signed by a member of the Board of Directors or other governing body of the corporation or by its secretary or other permanent officer and the voting paper of a registered producer being a partnership may be signed by one of the partners.

(6) The Ministry shall appoint such person as it thinks fit to count the votes and to give to the Board not later than the 27th June in the year in which an election is held, a certificate stating the result of the election and declaring to be elected the candidate or those candidates (as the case may require) who receive the most votes.

(7) Each candidate or his representative may be present at the counting of the votes.

(8) A certificate given under paragraph (6) shall be final and conclusive evidence of the facts stated therein and of the result of the election.

(9) The result of an election shall be published by the Ministry in such manner as it thinks fit as soon as possible after the result of the election has been declared."

(25) The following Article shall be inserted after the heading "Part V Financial Provisions":—

"**23.**—(1) For the purpose of securing for any producer the benefits of any guarantee under Part I of the Agriculture Act 1947(e) the Board may enter into any agreement with the Minister and pay or receive money in pursuance of such agreement.

(2) The Board shall exercise their powers under this Part of the Scheme subject to the terms of any such agreement as aforesaid."

(26) Article 26 shall be renumbered 24.—(1) and for the words from "in any securities" to the end of the Article there shall be substituted:—

"in securities in which a trustee might lawfully invest trust moneys under any of the powers of the Trustee Acts (Northern Ireland) 1958(f) and 1962(g) as extended or amended by any enactments for the time being in force in Northern Ireland, but the Board shall not be subject to any of the obligations imposed by the said Acts.

(2) The Board may, subject to the provisions of Article 25(1), invest money either by way of loan or mortgage, purchase of shares or otherwise in any business undertaking engaged in any of the activities specified in Article 31(1) provided that the Board shall not invest more than £50,000 in any year in business undertakings engaged in or proposing to engage in the slaughter of pigs or the production of any of the commodities specified in Article 31(2) or more than £25,000 in any one such undertaking in any year without the approval of the Ministry.

(3) The Board may make investments in any undertaking in which an investment has already been made under paragraph (2), provided that any such investment shall be made for not more than six months in any year and that no other such investment has been made in that undertaking in that year. Any such investment shall not be subject to the approval of the Ministry nor to Article 25(1).

(27) The following Article shall be inserted:—

"**25.**—(1) The Board shall cause to be formed a company with power to hold and manage the investments of the Board and any investment of the Board may be held by and in the name of such company. All investments of the Board in any business undertaking engaged in or proposing to engage in the slaughter of pigs or the production of any of the commodities specified in Article 31(2) (hereinafter referred to as "investments in processing") shall be effected by such company and shall (whether held in the name of such company or not) be in all respects controlled and managed by such company. The Memorandum and Articles of Association of any such company shall be subject to the approval of the Ministry. Any investments of the Board made before the 1st July, 1968, may be transferred to the company by the Board and all investments in processing made before that date shall, whether so transferred or not, be in all respects controlled and managed by such company.

(2) The chairman of the company set up under paragraph (1) shall be appointed by the Minister from the members of the Board after consultation with the Board.

(3) The remaining directors of the company set up under paragraph (1) shall consist of:—

(i) two members of the Board;

(e) 10 and 11 Geo. 6. c. 48.
(f) 1958. c. 23.
(g) 1962. c. 10.

(ii) one other director with proven business ability who shall not be a member of the Board and whose appointment shall be subject to the approval of the Minister; and

(iii) a full-time Executive Director (not being a member of the Board) to be appointed by the company after consultation with the Board."

(28) Article 27 shall be renumbered 26.

(29) For Article 28 the following, which shall be renumbered 27, shall be substituted:—

"**27.**—(1) The Board shall—

(*a*) cause to be kept proper books of account with respect to the transactions of the fund and its assets and liabilities; and

(*b*) maintain a satisfactory system of control of the books of account of the fund, its cash holdings and all its receipts and remittances.

(2) For the purposes of sub-paragraph (a) of paragraph (1), proper books of account shall not be taken to be kept with respect to the matters mentioned in that sub-paragraph if there are not kept such books as are necessary to give a true and fair view of the state of the affairs of the fund and to explain its transactions.

(3) The Board shall, in respect of the year ending on the 31st December, 1968, and each subsequent year, cause to be prepared as respects the fund—

(*a*) an income and expenditure account for the year; and

(*b*) a balance sheet as at the end of the year.

(4) Every account shall give a true and fair view of the income and expenditure of the fund for the year to which the account relates.

(5) Every balance sheet shall give a true and fair view as at the date of the balance sheet of the state of the affairs of the fund.

(6) Every balance sheet shall be signed on behalf of the Board by any two members of the Board authorised by the Board for that purpose.

(7) The Board shall cause every account and balance sheet to be audited subject to necessary modifications as if they were accounts and balance sheet of a public company being audited in accordance with the provisions of Sections 155 and 156 of the Companies Act (Northern Ireland) 1960.

(8) A copy of every account and balance sheet shall be delivered to the Ministry and every registered producer not later than the 30th June in each year.

(9) There shall be annexed to every copy of each account and balance sheet delivered to the Ministry and every registered producer—

(*a*) a copy of the auditor's report; and

(*b*) a copy of a report of the Board with respect to the state of the Board's affairs, and the transactions of the fund.

(10) Where at the end of its financial year a company formed pursuant to Article 25(1) has subsidiaries, the company (irrespective of whether or not it is a wholly-owned subsidiary of the Board) shall annex to the accounts laid before the company in general meeting, group accounts dealing with the state of affairs and the profit or loss of the company and the subsidiaries and those accounts shall be annexed to the documents delivered to the Ministry and every registered producer pursuant to paragraph (9).

(11) Where a company formed pursuant to Article 25(1) does not hold investments of the Board but merely manages them, its accounts shall be annexed to the documents delivered to the Ministry and every registered producer pursuant to paragraph (9), together with such group accounts as would be required under paragraph (10) if the relationship of holding and subsidiary companies subsisted.

(12) If and so long as the Board are under any financial liability to the Ministry of Finance, the audited accounts of the Board, together with such information in relation thereto as the Ministry of Finance may require, shall be furnished to that Ministry."

(30) In Article 29, which shall be renumbered 28, for the word "one shilling" there shall be substituted:—

"two shillings".

(31) For Article 30 the following, which shall be renumbered 29, shall be substituted:—

"**29.**—(1) A producer who is neither a registered producer nor a person exempt from registration shall not sell any pigs.

(2) Subject to paragraph (4), a registered producer may sell bacon pigs only to or through the agency of the Board.

(3) Any producer who disposes of a bacon pig other than to the Board shall be deemed to have disposed of a bacon pig by sale unless he can prove otherwise to the satisfaction of the Board.

(4) A registered producer may sell a gilt or a boar which does not require to be licensed under the Live Stock Breeding Act (Northern Ireland) 1922 to another producer, provided that the gilt or boar as the case may be is being sold for breeding purposes."

(32) For Article 31 the following, which shall be renumbered 30, shall be substituted:—

"**30.** The Board may determine from time to time the prices at, below or above which, and the terms on which pigs may be sold by any producer to the Board."

(33) For Article 32 the following, which shall be renumbered Article 31, shall be substituted:—

"**31.**—(1) The Board may—

(*a*) buy pigs;

(*b*) produce from pigs any of the commodities specified in paragraph (2);

(*c*) sell, and subject to regulations made by the Ministry under subsection (2) of section 6 of the Act grade, pack, store, adapt for sale, insure, advertise, promote the sale of and transport pigs and any commodities produced by the Board as aforesaid;

(*d*) buy such ingredients other than pigs as may be necessary for the production of the commodities specified in paragraph (2);

(*e*) buy or rent or take on hire, and sell or let for hire to registered producers, anything required for the production, adaptation for sale, or sale of pigs;

(*f*) buy or rent or take on hire and sell or let for hire to persons other than registered producers anything designed to promote the sale of pigs;

(*g*) co-operate with any other person in doing any of the things previously mentioned in this paragraph;

(*h*) encourage, promote or conduct agricultural co-operation among pig producers or research and education in connection with the production and markekting of pigs and commodities produced from pigs;

(*i*) enter into agreements with buyers of pigs or their representatives concerning the prices at which and the terms on which pigs (including carcases of pigs or parts thereof) shall be sold by the Board.

(2) The following products may be produced by the Board from pigs—

Pork, bacon, hams, sausages, inwards, brawn, gelantines and any edible offal or by-product; lard, tallow, and any edible or inedible fat, oil or grease; hair and bristles; glue and gelatine; skins; glands; gland extracts and any pharmaceutical product; sausage casings, bladders, gut and any other product made from the alimentary system of pigs; bones, bone meal, bone charcoal, blood, blood meal, and other derivatives of blood; hoofs, hoof meal, meat meal and any fertilisers or feedingstuffs and any other commodities the whole or a main ingredient of which is derived from pigs."

(34) In Article 33, which shall be renumbered 32 and which shall be paragraph (1) of Article 32, the words "any bacon pigs to a curer or" shall be deleted and for the words "the Pigs Marketing" where they occur there shall be substituted "this". After the word "Scheme" where it secondly occurs there shall be added:—

"Any contribution to defray the cost of any capital expenditure incurred under Article 24(2) shall be assessed separately from contributions to defray the cost of any other expenditure or expenses of the Board."

The following paragraph shall be added thereafter:—

"(2) Such classes of producers as the Ministry may determine, being producers exempted from registration, shall be exempt from paying contributions under paragraph (1)."

(35) In Article 34, which shall be renumbered 33, for the words "the Pigs Marketing" there shall be substituted "this" and for the words from "Pigs and Bacon" to "1954" there shall be substituted "Act" and for the words "as the Ministry of Agriculture may from time to time by order direct." there shall be substituted "as the Board consider equitable and practicable subject to the approval of the Ministry."

(36) In Article 35, which shall be renumbered 34 and which shall be paragraph (1) of Article 34, the following paragraph shall be added:—

"(2) Any person authorised in writing by the Board may, for the purpose of securing compliance with this Scheme, enter and inspect at any reasonable time and on production of his authority, any part of the land or premises occupied by a registered producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing pigs.

(3) A registered producer shall permit such entry and inspection as aforesaid."

(37) The heading "Part VII Miscellaneous" of the Scheme shall be amended to "Part VIII Miscellaneous" and a heading "Part VII Penalties" shall be inserted together with the following Article:—

"**35.** Subject to the provisions of the Act, the Board shall impose on and recover from, any registered producer who contravenes any provision contained in Articles 29, 30 and 34 such monetary penalty not exceeding £100 as the Board may decide for each contravention, so however that no such penalty shall be imposed in respect of any such contravention which constitutes an offence under any other Act."

(38) In Article 36 there shall be substituted for the word "ten" the number "IX" and for the year "1932" the year "1960", and the words "Paragraphs 4, 5, 6, 7 and 8 of" shall be deleted.

(39) In Article 37 the words "or to any curer" shall be deleted and for the words "of this paragraph" there shall be substituted the words "of this Article".

(40) In Article 38 the words from ", and the arbitrator" to "thinks just" shall be deleted and for the words from "award costs" to "may direct." there shall be substituted:—

"make such order in the matter as he thinks just and the provisions of the Arbitration Act (Northern Ireland) 1937(**h**) shall apply to any such arbitration."

The first sentence of this Article shall be paragraph (1) and the second sentence shall be paragraph (2).

(41) In Article 39 the words "or served on" and "or service" shall be deleted and the word "unregistered" shall be added after the words "despatched to such person by".

(42) The Schedule is hereby revoked.

3. Accordingly, the Scheme amended by this Order shall have effect as set forth in the Schedule.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 4th day of June 1968.

(L.S.)

A. E. W. Steen,
Assistant Secretary.

(**h**) 1 Edw. 8 & 1 Geo. 6. c. 8 (N.I.).

SCHEDULE

(Reprint of the scheme as amended)

PIGS MARKETING SCHEME (NORTHERN IRELAND) 1933

PART I

PRELIMINARY

1. This Scheme may be cited as the Pigs Marketing Scheme (Northern Ireland) 1933.

2. In this Scheme:

"the Act" means the Agricultural Marketing Act (Northern Ireland) 1964;

"bacon pigs" means pigs weighing not less than 170 lb. avoirdupois liveweight or 125 lb. avoirdupois deadweight, other than sows and boars which are required to be licensed under the Live Stock Breeding Act (Northern Ireland) 1922;

"the Board" means the Pigs Marketing Board (Northern Ireland);

"deadweight" means the weight of a dressed carcase (after the animal heat has departed) without the hair, liver, melt, heart, lungs (i.e., the pluck or race), guts, caul and gut fat, genito-urinary organs (excluding kidneys), but including the skin, the head with the tongue, the ear roots, the eyes, the kidneys, kidney fat, the tender loins, the fleck or flare, the skirt, the tail, the backbone and the feet;

"gilt" means a female pig which has not been used for breeding;

"pigs" means pigs produced in Northern Ireland and includes carcases of pigs;

"producer" means a person who keeps pigs for the purposes of selling them in an improved condition;

"registered" means registered under this Scheme;

"Secretary" includes any person for the time being authorised by the Board to act as their Secretary;

"sows" means female pigs which have farrowed or which have reached a stage of pregnancy which will render the carcases unsuitable for bacon or for the retail pork trade;

"Subsidiary" has the meaning assigned to it by Section 148 of the Companies Act (Northern Ireland) 1960.

PART II

THE BOARD

3. The Board to administer this Scheme shall be a body corporate.

4.—(1) The elected members of the Board holding office on 1st July, 1968, shall continue to hold office until 30th June, 1969.

(2) In addition to the elected members, the Board shall include three appointed members, that is to say members who shall be appointed by and who may be removed by the Minister.

(3) The Board shall, as from 1st July, 1969, consist of thirteen members being three appointed members; the then existing members for the administrative Counties of Antrim, Armagh and Tyrone; one member for each of the administrative Counties of Down, Fermanagh and Londonderry; and one member, who shall be known as a Regional member.

(4) The Board shall, as from 1st July, 1971, consist of eleven members, being three appointed members; the existing members as at that date for the administrative Counties of Down, Fermanagh and Londonderry; one member for each of the administrative Counties of Antrim, Armagh and Tyrone; the Regional member elected in 1969, and one other Regional member.

(5) An election of County members for the administrative Counties of Down, Fermanagh and Londonderry and of one Regional member shall be held in 1969 and in every fourth calendar year thereafter, and an election of County members for the administrative Counties of Antrim, Armagh and Tyrone and of one Regional member shall be held in 1971 and in every fourth calendar year thereafter. Every election of members shall be held in June. Every elected member shall, subject to the provision of this Scheme take office on the 1st July following his election and shall hold office until the 30th June in the year in which the next election for his seat takes place. Provided that an election may be held at any time to fill a casual vacancy as prescribed in Article 6(1).

(6) Each County member shall be elected by the registered producers residing in the administrative county for which the election is being held; and Regional members shall be elected by the general body of registered producers in Northern Ireland.

(7) Members elected in respect of administrative counties shall be known as County members and for the purposes of the election of County members of the Board:—

(*a*) that portion of the County Borough of Belfast which is to the west of the River Lagan shall be deemed to be part of the administrative County of Antrim;

(*b*) that portion of the County Borough of Belfast which is to the east of the River Lagan shall be deemed to be part of the administrative County of Down; and

(*c*) the County Borough of Londonderry shall be deemed to be part of the administrative County of Londonderry.

5.—(1) An elected member of the Board shall cease to hold office:—

(*a*) if he delivers to the Board a written resignation of his office and the resignation is accepted by the Board, or, if not accepted, is not withdrawn within seven days; or

(*b*) if he is detained for more than seven days in any place under any enactment in force in any part of the United Kingdom relating to persons of unsound mind; or

(*c*) if he is adjudged bankrupt or enters into a composition with his creditors; or

(*d*) if the Board, by resolution, declare that he had been absent from six consecutive meetings of the Board without reasonable excuse; or

(*e*) if he is convicted of any offence under sub-section (1) of section 23 of the Act; or

(*f*) if the Board, by resolution, declare that he has failed without reasonable excuse to disclose information which he is required by Article 16(3) of this Scheme to disclose.

Sub-paragraphs (*b*), (*c*), and (*e*) shall apply to appointed members of the Board, and sub-paragraph (*a*) shall apply to those members with the substitution of the Minister for the Board.

(2) A member of the Board shall not be eligible for employment by the Board under a contract of service.

6.—(1) If an elected member of the Board dies or ceases to hold office under Article 5, or if no candidate has been nominated for a vacancy to be filled at an election held under Article 22, the Ministry shall either instruct the Board to co-opt a person in his place or shall hold within a period of six months an election as provided in Part IV, subject to any necessary alterations in the procedure laid down in that Part, to fill the vacancy, provided that no action shall be required to fill any such vacancy which would not exceed six months.

(2) Any person so co-opted or elected shall, unless he dies or ceases to hold office as aforesaid, hold office until the 30th June in the year in which the next election takes place for the seat to which he has been co-opted or elected.

7.—(1) The Board shall elect from among their members a chairman and vice-chairman who shall (provided they remain members of the Board) hold office for one year and shall be eligible for re-election as chairman and vice-chairman.

(2) The chairman shall not be eligible for appointment as a director of the company set up under Article 25(1) or of any company in which the Board has a financial interest engaged in the slaughter of pigs or the production of any of the commodities specified in Article 31(2).

8. The Board shall, at all times, have power to act notwithstanding any vacancy among their members and may appoint committees out of their own number. A committee shall not hold office beyond the 30th June in the year in which the next election (other than an election to fill a casual vacancy) takes place and shall report their proceedings to, and obey any direction of the Board.

9.—(1) The quorum of the Board and of any committee thereof shall be such as the Board may from time to time determine provided that in the case of the Board the quorum shall, unless otherwise determined, be five, and shall not in any event be less than that number and in the case of any committee shall not be less than three.

(2) In each case the quorum shall include at least one of the members appointed by the Minister.

(3) Questions arising at any meeting of the Board or a committee shall be decided by a majority of the votes of the members present and in the case of an equality of votes at such a meeting, the member acting as chairman shall have a second or casting vote. The Secretary, on the request of any three members of the Board or of the chairman, shall convene a meeting of the Board. A meeting shall be convened by notice in writing to all the members.

10. All acts done at any meeting of the Board or of any committee thereof shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or qualifications of a person purporting to be a member of the Board or the committee, or that a member of the Board has voted upon any question upon which he was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

11. Minutes shall be kept of the proceedings of the Board and of any committee thereof, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which they relate or of a meeting at which they were read, be evidence of those proceedings, and the meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted. A copy of the minutes of each meeting of the Board, and of each committee thereof, shall be sent to the Ministry within fourteen days of such meeting together with a copy of each document which is discussed or tabled at the meeting and which appears to the Board to be necessary for a proper understanding of the minutes or which the Ministry may subsequently request.

12. The common seal of the Board shall not be applied to any document except by the authority of the Board and the application of the seal shall be attested by at least two members of the Board authorised in that behalf and by the Secretary.

13. Contracts and instruments which would not in the case of a private person require to be under seal, may be entered into or executed on behalf of the Board by any person authorised in that behalf by the Board.

14. The Board—

(1) may employ such officers and servants as they think fit; provided that—

(*a*) the number, grading, remuneration, terms and conditions of service of all officers and servants shall be subject to the approval of the Ministry except as regards the number of industrial workers and the grading, remuneration and terms and conditions of service of industrial workers where these are determined by or related to the decisions of an appropriate statutory wages body or Joint Industrial Council;

(*b*) the appointment and terms of employment of every officer and servant employed by the Board shall be subject to the approval of the Ministry except as regards officers and servants whose salary or remuneration does not exceed the maximum salary of the Board's grade of Executive Officer Grade II.

(2) shall have an office at which communications and notices will at all times be received and shall notify the Ministry of the address thereof, and of any change in that address.

15.—(1) The Board may pay to any member of the Board any such travelling and other expenses as have in their opinion been reasonably incurred by such member in connection with the business of the Board. The Board may also pay to any member such remuneration as may be recommended by them and approved by the Ministry.

(2) A Board member shall not be entitled to receive any fees or any other remuneration from or to have any financial interest in any company in which the Board or the company set up under Article 25(1) has any financial interest. Such fees or other remuneration which would, except for this paragraph, have been payable by a company as aforesaid to a member of the Board, shall be paid by the company direct to the Board or to the company set up under Article 25(1) as appropriate.

16.—(1) A contract entered into by the Board shall not be avoided by reason only that a member of the Board is also a party thereto or is interested therein.

(2) A member of the Board shall not be liable to account to the Board for any profits realised by him out of any contract by reason only of the fact that the Board are also a party to such contract or are interested therein.

(3) A member of the Board shall forthwith disclose to the Board—

(*a*) any interest which he has or acquired in any contract to which the Board are a party or in which the Board have or acquire any interest; and

(*b*) any interest which he has or acquires in any other contract whatsoever, if such interest in any way conflicts with his duty as a member of the Board.

(4) A member of the Board shall not vote upon any question relating to any contract to which he is a party or in which he has any interest:

Provided that nothing contained in this provision shall preclude a member of the Board from voting on any question relating to the general policy of the Board:

Provided further that the provisions contained in this Article as to disclosure and voting shall not apply to a member of the Board whose interest in terms of this Article arises by reason only that he is a director of a company in which the Board or the company set up under Article 25(1) has a financial interest.

PART III

REGISTER OF PRODUCERS

17.—(1) The Board shall keep a register of producers and every producer shall, on application to the Board and having satisfied the Board that he is a producer, be entitled to be registered therein, subject as provided in this Part.

(2) For the purposes of Part IV and Article 37, two or more persons jointly carrying on a farm business or a corporation aggregate shall be regarded as constituting together a single registered producer.

18. The register of producers shall be open for inspection at the office of the Board from 10 a.m. to 4 p.m. on such days as the office of the Board is open for the transaction of business. Any person shall be entitled to be supplied with a copy of the register on payment of a fee of such amount as may be approved by the Ministry, or to take extracts therefrom for his own use free of charge.

The Board shall be under no liability in respect of error or omission in any such copy or for any delay in supplying any such copy, nor shall any election be invalid because of any such error, omission or delay.

19. Any person who produces only pigs other than bacon pigs shall be exempt from registration.

20. The Board, on being satisfied that a person who is registered has ceased to be a producer or is exempt from registration, shall remove his name from the register. A person shall be deemed to cease to be a producer as at 30th December if he has not sold any pigs to the Board during the most recent period of six months ending at that date, unless he can prove to the satisfaction of the Board that he was a producer during that period:

Provided that the name of a person shall not be removed from the register without his consent by reason only that he is exempt from registration.

21.—(1) The Board shall, in each year, hold a meeting to which all registered producers shall be invited. Such a meeting shall be held within a period not exceeding one month of the publication of the Board's Annual Report and shall be held at such a place as the Board shall appoint.

(2) In addition to the meeting referred to in paragraph (1) the Board may hold in any year ending on 30th June one meeting in each County to which all registered producers in that County shall be invited. Such a meeting shall be convened if there is a request in writing to the Board on or before 20th May in the year in question from not less than 250 registered producers in that County or from the County member for that County together with one other member of the Board.

(3) A meeting referred to in paragraph (1) or in paragraph (2) shall be called by 21 days' notice in writing to all registered producers in the case of a meeting under paragraph (1); in the case of a meeting under paragraph (2) to all registered producers in that County.

(4) The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the holding of that meeting.

PART IV

ELECTIONS

22.—(1) (*a*) The Ministry shall publish notice of the election, the address at which the Ministry is prepared to receive nominations and the time and date up to which the Ministry is prepared to accept nominations (hereinafter referred to as "the closing date for nominations").

(*b*) The period between the publication as aforesaid and the closing date for nominations shall be not less than fifteen days.

(*c*) Nominations must reach the Ministry not later than 5 p.m. on such day in April of the year in which the election is to be held as the Ministry shall specify.

(*d*) No person shall be eligible for election as a member of the Board unless he has been duly nominated in accordance with the provisions of this paragraph.

(*e*) A candidate for election shall be nominated in writing by two registered producers as proposer and seconder and by at least twelve other registered producers as assenting to the nomination. The nomination shall be sent by registered post or recorded delivery to the Ministry at the address specified or delivered by hand to the address specified in which case a receipt shall be given to the person delivering it.

(*f*) The proposers, seconders and assenters must be registered producers whose names properly appear in the register of producers as at the 31st December in the year previous to that in which the election is to be held. The proposer, seconder and assenters to the nomination of a candidate for

election for a County vacancy shall be registered producers residing within the administrative County for which the candidate is nominated.

(*g*) Each nomination shall be accompanied by an assent signed by the candidate that he is willing to act if elected.

(*h*) The proposal, seconding or assenting by a registered producer being a corporation aggregate may be signed by a member of the Board of Directors or other governing body of the corporation or by its secretary or other permanent officer and the proposal, seconding or assenting by a registered producer being a partnership may be signed by one of the partners.

(*i*) A candidate may withdraw his candidature by sending to the Ministry, at the address specified, by registered post or recorded delivery or delivering by hand a notice in writing of such withdrawal signed by him which must reach the Ministry not later than twelve days after the closing date for nominations.

(*j*) Where there is only one candidate for a vacancy nominated for election the Ministry shall declare the candidate duly elected.

(*k*) Where the number of candidates nominated for election exceeds the number of vacancies the Ministry shall hold an election as provided for in this Article.

(2) Not later than the first Wednesday in June in the year in which the election is to be held, the Ministry shall send a voting paper to every producer who is entitled to vote in accordance with Article 4 and whose name appeared as at the 31st December in the previous year in the register of producers, provided that any person who is registered as a producer at that date and is at a later date found not to have been a producer shall be deemed not to have been eligible for registration, nor to have been registered.

(3) The voting paper shall specify the time and date by which it must be received by the Ministry; a voting paper shall not be counted by the Ministry unless it is properly completed and posted so as to reach the Ministry not later than the specified time and date.

(4) A voting paper shall not be taken into account if the voter purports to vote for more candidates than there are vacancies or if the voting paper is not signed by the registered producer.

(5) The voting paper of a registered producer being a corporation aggregate may be signed by a member of the Board of Directors or other governing body of the corporation or by its secretary or other permanent officer and the voting paper of a registered producer being a partnership may be signed by one of the partners.

(6) The Ministry shall appoint such person as it thinks fit to count the votes and to give to the Board not later than the 27th June in the year in which an election is held, a certificate stating the result of the election and declaring to be elected the candidate or those candidates (as the case may require) who receive the most votes.

(7) Each candidate or his representative may be present at the counting of the votes.

(8) A certificate given under paragraph (6) shall be final and conclusive evidence of the facts stated therein and of the result of the election.

(9) The result of an election shall be published by the Ministry in such manner as it thinks fit as soon as possible after the result of the election has been declared.

PART V

FINANCIAL PROVISIONS

23.—(1) For the purpose of securing for any producer the benefits of any guarantee under Part I of the Agriculture Act 1947, the Board may enter into any agreement with the Minister and pay or receive money in pursuance of such agreement.

(2) The Board shall exercise their powers under this Part of the Scheme subject to the terms of any such agreement as aforesaid.

24.—(1) There shall be established a fund (in this Scheme referred to as "the fund") which shall be administered and controlled by the Board. All moneys received by the Board shall be paid into the fund and any moneys required by the Board either for the operation of the Scheme or otherwise for the purposes of the Act in its application to this Scheme shall be paid out of the fund. Any moneys for the time being standing to the credit of the fund may be left on current or deposit account in any bank or invested in securities in which a trustee might lawfully invest trust moneys under any of the powers of the Trustee Act (Northern Ireland) 1958 and 1962 as extended or amended by any enactments for the time being in force in Northern Ireland, but the Board shall not be subject to any of the obligations imposed by the said Acts.

(2) The Board may, subject to the provisions of Article 25(1) invest money either by way of loan or mortgage, purchase of shares or otherwise in any business undertaking engaged in any of the activities specified in Article 31(1) provided that the Board shall not invest more than £50,000 in any year in business undertakings engaged in or proposing to engage in the slaughter of pigs or the production of any of the commodities specified in Article 31(2) or more than £25,000 in any one such undertaking in any year without the approval of the Ministry.

(3) The Board may make investments in any undertaking in which an investment has already been made under paragraph (2), provided that any such investment shall be made for not more than six months in any year and that no other such investment has been made in that undertaking in that year. Any such investment shall not be subject to the approval of the Ministry nor to Article 25(1).

25.—(1) The Board shall cause to be formed a company with power to hold and manage the investments of the Board and any investment of the Board may be held by and in the name of such company. All investments of the Board in any business undertaking engaged in or proposing to engage in the slaughter of pigs or the production of any of the commodities specified in Article 31(2) (hereinafter referred to as "investments in processing") shall be effected by such company and shall (whether held in the name of such company or not) be in all respects controlled and managed by such company. The Memorandum and Articles of Association of any such company shall be subject to the approval of the Ministry. Any investments of the Board made before the 1st July, 1968, may be transferred to the company by the Board and all investments in processing made before that date shall whether so transferred or not be in all respects controlled and managed by such company.

(2) The chairman of the company set up under paragraph (1) shall be appointed by the Minister from the members of the Board after consultation with the Board.

(3) The remaining directors of the company set up under paragraph (1) shall consist of:—

(i) two members of the Board;

(ii) one other director with proven business ability who shall not be a member of the Board and whose appointment shall be subject to the approval of the Minister; and

(iii) a full-time Executive Director (not being a member of the Board) to be appointed by the company after consultation with the Board.

26. The Board may, for the purpose of exercising any of their functions under this Scheme, borrow money in such manner, on such terms and on such security as may be arranged by them with the person from whom the money is borrowed.

27.—(1) The Board shall—

(a) cause to be kept proper books of account with respect to the transactions of the fund and its assets and liabilities; and

(*b*) maintain a satisfactory system of control of the books of account of the fund, its cash holdings and all its receipts and remittances.

(2) For the purposes of sub-paragraph (*a*) of paragraph (1), proper books of account shall not be taken to be kept with respect to the matters mentioned in that sub-paragraph if there are not kept such books as are necessary to give a true and fair view of the state of the affairs of the fund and to explain its transactions.

(3) The Board shall, in respect of the year ending on the 31st December, 1968, and each subsequent year, cause to be prepared as respects the fund—

(*a*) an income and expenditure account for the year; and

(*b*) a balance sheet as at the end of the year.

(4) Every account shall give a true and fair view of the income and expenditure of the fund for the year to which the account relates.

(5) Every balance sheet shall give a true and fair view as at the date of the balance sheet of the state of the affairs of the fund.

(6) Every balance sheet shall be signed on behalf of the Board by any two members of the Board authorised by the Board for that purpose.

(7) The Board shall cause every account and balance sheet to be audited subject to necessary modifications as if they were accounts and balance sheet of a public company being audited in accordance with the provisions of Sections 155 and 156 of the Companies Act (Northern Ireland) 1960.

(8) A copy of every account and balance sheet shall be delivered to the Ministry and every registered producer not later than the 30th June in each year.

(9) There shall be annexed to every copy of each account and balance sheet delivered to the Ministry and every registered producer—

(*a*) a copy of the auditor's report; and

(*b*) a copy of a report of the Board with respect to the state of the Board's affairs, and the transactions of the fund.

(10) Where at the end of its financial year a company formed pursuant to Article 25(1) has subsidiaries, the company (irrespective of whether or not it is a wholly-owned subsidiary of the Board) shall annex to the accounts laid before the company in general meeting, group accounts dealing with the state of affairs and the profit or loss of the company and the subsidiaries and those accounts shall be annexed to the documents delivered to the Ministry and every registered producer pursuant to paragraph (9).

(11) Where a company formed pursuant to Article 25(1) does not hold investments of the Board but merely manages them, its accounts shall be annexed to the documents delivered to the Ministry and every registered producer pursuant to paragraph (9), together with such group accounts as would be required under paragraph (10) if the relationship of holding and subsidiary companies subsisted.

(12) If and so long as the Board are under any financial liability to the Ministry of Finance, the audited accounts of the Board, together with such information in relation thereto as the Ministry of Finance may require, shall be furnished to that Ministry.

28. The Board shall, on the demand of any person and on payment by him of a fee of two shillings, furnish to him a copy of their last published accounts.

PART VI

PROVISIONS AS TO MARKETING AND PRINCIPAL POWERS OF THE BOARD

29.—(1) A producer who is neither a registered producer nor a person exempt from registration shall not sell any pigs.

(2) Subject to paragraph (4) a registered producer may sell bacon pigs only to or through the agency of the Board.

(3) Any producer who disposes of a bacon pig other than to the Board shall be deemed to have disposed of a bacon pig by sale unless he can prove otherwise to the satisfaction of the Board.

(4) A registered producer may sell a gilt or a boar which does not require to be licensed under the Live Stock Breeding Act (Northern Ireland) 1922 to another producer, provided that the gilt or boar as the case may be is being sold for breeding purposes.

30. The Board may determine from time to time the prices at, below or above which, and the terms on which pigs may be sold by any producer to the Board.

31.—(1) The Board may—

(*a*) buy pigs;

(*b*) produce from pigs any of the commodities specified in paragraph (2);

(*c*) sell, and subject to regulations made by the Ministry under sub-section (2) of section 6 of the Act grade, pack, store, adapt for sale, insure, advertise, promote the sale of and transport pigs and any commodities produced by the Board as aforesaid;

(*d*) buy such ingredients other than pigs as may be necessary for the production of the commodities specified in paragraph (2);

(*e*) buy or rent or take on hire, and sell or let for hire to registered producers, anything required for the production, adaptation for sale, or sale of pigs;

(*f*) buy or rent or take on hire and sell or let for hire to persons other than registered producers anything designed to promote the sale of pigs;

(*g*) co-operate with any other person in doing any of the things previously mentioned in this paragraph;

(*h*) encourage, promote or conduct agricultural co-operation among pig producers or research and education in connection with the production and marketing of pigs and commodities produced from pigs;

(*i*) enter into agreements with buyers of pigs or their representatives concerning the prices at which and the terms on which pigs (including carcases of pigs or parts thereof) shall be sold by the Board.

(2) The following products may be produced by the Board from pigs—

Pork, bacon, hams, sausages, inwards, brawn, galantines and any edible offal or by-products; lard, tallow, and any edible or inedible fat, oil or grease; hair and bristles; glue and gelatine; skins; glands, gland extracts and any pharmaceutical product; sausage casings, bladders, gut and any other product made from the alimentary system of pigs; bones, bone meal, bone charcoal, blood, blood meal and other derivatives of blood; hoofs, hoof meal, meat meal and any fertilisers or feedingstuffs and any other commodities the whole or a main ingredient of which is derived from pigs.

32.—(1) Upon the sale of any pigs to the Board a producer shall pay a contribution of such amount per pig as the Board, with the approval of the Ministry, may from time to time determine to be necessary for the operation of this Scheme or otherwise for the purposes of the Act in its application to this Scheme. Any contributions to defray the cost of any capital expenditure incurred under Article 24(2) shall be assessed separately from contributions to defray the cost of any other expenditure or expenses of the Board.

(2) Such classes of producers as the Ministry may determine, being producers exempted from registration, shall be exempt from paying contributions under paragraph (1).

33. Any moneys standing to the credit of the fund which are not required for the operation of this Scheme or otherwise for the purposes of the Act, shall be applied for the benefit of the pig-producing industry in such manner as the Board consider equitable and practicable subject to the approval of the Ministry.

34.—(1) The Board may, wherever they consider it necessary for the operation of this Scheme so to do, serve on any producer a demand in writing requiring him to furnish to them such estimates, returns and other information relating to pigs as may, with the approval of the Ministry, be specified in the demand

(2) Any person authorised in writing by the Board may, for the purpose of securing compliance with this Scheme, enter and inspect at any reasonable time and on production of his authority, any part of the land or premises occupied by a registered producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing pigs.

(3) A registered producer shall permit such entry and inspection as aforesaid.

PART VII

PENALTIES

35. Subject to the provisions of the Act, the Board shall impose on and recover from, any registered producer who contravenes any provision contained in Articles 29, 30 and 34 such monetary penalty not exceeding £100 as the Board may decide for each contravention, so, however, that no such penalty shall be imposed in respect of any such contravention which constitutes an offence under any other Act.

PART VIII

MISCELLANEOUS

36. Part IX of the Companies Act (Northern Ireland) 1960 (which relates to the winding up of unregistered companies) shall apply in relation to the Board, subject to the modifications set out in the Second Schedule to the Act.

37. Contributions under paragraph 7 of the Second Schedule to the Act shall be assessed proportionately to the total number of pigs (if any) sold to the Board by each contributor at any time during the relevant period and shall not in any case exceed five shillings per pig.

Where under any contract of sale the period allowed for the delivery of any pigs does not fall wholly within the relevant period, those pigs shall, for the purpose of this Article, be deemed to have been sold for delivery on the first day of the period allowed by the contract for the delivery thereof.

38.—(1) Any producer who is aggrieved by any act or omission of the Board may refer the matter to the arbitration of a single arbitrator to be agreed upon between such producer and the Board, or in default of agreement, to be nominated by the Minister.

(2) An arbitrator agreed upon or nominated as aforesaid shall have power to make such order in the matter as he thinks just and the provisions of the Arbitration Act (Northern Ireland) 1937 shall apply to any such arbitration.

39. Any requirement of this Scheme that a document shall be sent to a person by the Board or the Ministry shall be deemed to have been complied with if within the period (if any) limited for the sending of the Document the document is despatched to such person by unregistered post, properly addressed and with the postage prepaid.

EXPLANATORY NOTE

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

This Order further amends the Pigs Marketing Scheme (Northern Ireland) 1933 and the Schedule appended takes account of this and all other previous amendments.

The main changes in the Scheme are:—

(1) the reduction by 1971 in the number of producer elected members on the Board from eleven to eight; there will then be six members elected on a county basis and two members on a Regional basis by all registered producers in Northern Ireland;

(2) The setting up of a company by the Board to manage and/or hold the Board's investments in the processing side of the industry. The chairman of this company will be chosen for his business experience and will be appointed by the Minister following consultation with the Board. The company will also have a full-time executive director who will have business experience, and will have at least one other director appointed from the business world outside the Board in addition to two directors appointed by the Board from its members;

(3) as a result of this Order, the approval of the Ministry will be necessary before the Board can invest substantial capital in bacon factories or processing plants;

(4) more information will be made available to producers on the results of the investments in factories. This information will appear in the Annual Report of the company set up to manage and/or hold the Board's investments and in turn this report will be incorporated in the Board's Annual Report which is sent to all registered producers.

Other changes incorporated in the Scheme include:—

(1) the reduction in the minimum weight of "bacon pigs" from 140 lb. to 125 lb. deadweight to take account of changing market demands;

(2) more flexible arrangements regarding the employment and terms and conditions of service of Board staff, under which more authority is delegated to the Board;

(3) alterations in the provisions regarding the registration of producers. Under the Scheme as amended by this Order, any producer selling bacon pigs must be registered as well as having to sell all such pigs to the Board;

(4) as part of the process of passing more information to producers, there is provision in the Order recognising the existing administrative arrangement under which a meeting is to be held once a year to which all registered producers shall be invited; in addition, the registered producers of any one county are now entitled to call upon the Board to have a meeting in that county; this is over and above the Board's existing arrangements whereby meetings are held from time to time throughout the year in Northern Ireland.