if so requested by the claimant, may discharge their liability in respect of one quarter thereof by the payment of a lump sum representing the capital value of one quarter of the annual sum:

Provided that if the remaining three-quarters thereof does not exceed twenty-six pounds the compensating authority may discharge their liability as aforesaid in respect of the whole of the said sum.

(3) Any lump sum payable under the preceding provisions of this paragraph shall be of such amount as shall be certified by an actuary to be appropriate.

EXPLANATORY NOTE

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

These regulations provide for the payment of compensation to persons losing employment or remuneration where functions relating to the destruction of rats and mice are transferred from county councils to other local authorities under the Prevention of Damage by Pests Act, 1949, or where the Minister makes an order under Section 12 of that Act authorising some other persons to exercise these functions on behalf of a local authority.

The regulations prescribe the length of service a claimant must have had to be eligible for compensation, the method of calculating such compensation, having regard to length of service, age, pension rights and other remuneration from public funds, and provide a right of appeal for an aggrieved claimant.

The Prevention of Damage by Pests (Infestation of Food) Regulations, 1950

1950 No. 416

Made - - - -	23*rd March*, 1950
Laid before Parliament	23*rd March*, 1950
Coming into Operation	31*st March*, 1950

The Minister of Agriculture and Fisheries and the Secretary of State for Scotland in pursuance of Section 13 (3) of the Prevention of Damage by Pests Act, 1949(a), and of all other powers enabling them in that behalf, after consultation with such associations and bodies as appear to them to be representative of the persons affected, hereby make the following regulations:—

1. These regulations which may be cited as the Prevention of Damage by Pests (Infestation of Food) Regulations, 1950, shall come into operation on the thirty-first day of March, nineteen hundred and fifty.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"the Act" means the Prevention of Damage by Pests Act, 1949;

"container" includes sacks, boxes, tins and other similar articles;

"food" includes any substance ordinarily used in the composition or preparation of food, the seeds of any cereal or vegetable, and any feeding stuffs for animals, but does not include growing crops;

(a) 12, 13 & 14 Geo. 6. c. 55

" goods " includes containers ;

" infestation " means the presence of rats, mice, insects or mites in numbers or under conditions which involve an immediate or potential risk of substantial loss of or damage to food, and " infested " shall be construed accordingly ;

" the Minister " means the Minister of Agriculture and Fisheries, or, in relation to Scotland, the Secretary of State ;

" working days " includes any day except Sunday, a Bank Holiday, Christmas Day or Good Friday.

(2) The Interpretation Act, 1889(a), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The requirements of Section 13 (1) of the Act in so far as they relate to the giving of notice that infestation is present in any premises or equipment shall not apply to infestation with insects or mites of premises of the description set out in Part I of the Schedule to these regulations, or of any equipment belonging to such premises:

Provided that any person who, except for this regulation, would be required to give notice of infestation in such premises or equipment shall give notice in writing to the Minister—

(*a*) of infestation present in, or in any equipment belonging to, any part of such premises in which after processing, any food, or any by-product resulting from such processing, is stored ;

(*b*) if he proposes to employ for the purpose of remedying infestation in any premises to which this regulation applies any person carrying on business in the provision of services for keeping down or destroying insects or mites, of the name and address of the person to be employed and of the methods to be used.

4. The requirements of Section 13 (1) of the Act in so far as they relate to the giving of notice that infestation is present in any food shall not apply to infestation with insects or mites—

(*a*) in any foods described in and fulfilling the requirements of Part II of the Schedule to these regulations ;

(*b*) in oil seeds which are being or have been moved from one extracting mill to another for the purpose of the extraction of oil ;

(*c*) in fresh fruit or green vegetables, fresh home-killed meat, or fish other than cured or processed.

5. Subject to the provision of these regulations, when any notice has been given in accordance with Section 13 of the Act in respect of any food or any other goods no person shall, without the consent of the Minister, deliver, or cause to be delivered, such food or goods from the premises in which they are situated to any other premises until a period of three working days from the date of notification has expired:

Provided that—

(*a*) if any obligation to give notice of infestation arises while the food or other goods are held temporarily in any transit shed or on any quay or in any similar place used for the working of traffic, and the required notice is given, the food or other goods may be delivered forthwith to any other premises, but if, after the delivery, the food or other goods remain under the control of the person giving notice of

(a) 52 & 53 Vict. c. 63.

infestation, he shall not, without the consent of the Minister, move or permit the food or other goods to be moved from such other premises until a period of three working days from the date of delivery to such premises has expired;

(*b*) empty infested containers may at any time be delivered to other premises for treatment of the infestation.

6. The requirements of Section 13 (1) of the Act relating to the giving of notice of infestation present in any food or other goods shall not apply to any person carrying on the business of a carrier, when, in the course of that business, he carries for any other person any food or other goods which are infested with insects or mites, but of which he is not undertaking the storage.

7. The Minister on an application being made in that behalf, may, if he is satisfied that it is expedient so to do, relax or exclude the requirements of Section 13 (1) of the Act relating to the giving of notice of infestation present in any vehicle, or in equipment belonging to any vehicle, subject to such conditions as he may consider necessary to secure that all reasonable steps will be taken to destroy infestation in the vehicle or equipment before it is used for the carriage of food or other goods likely to come into contact with food.

8. If any vehicle, equipment, food or other goods to which these regulations apply are moved from England and Wales to Scotland or from Scotland to England and Wales any consent given, any relaxation of or exclusion from the requirements of Section 13 of the Act granted, or any prohibition or restriction on delivery imposed, by or under these regulations in respect of such vehicle, equipment, food or other goods in England and Wales or in Scotland, as the case may be, shall apply in like manner in respect of the aforesaid things in the country to which the things are moved as they would have in the country from which the things were moved.

9. Any notice required by these regulations to be given to the Minister shall be duly given if it is delivered to him, or sent to him by post; and where notice is sent by post, the date of notification shall be deemed to be the date on which the notice would be delivered in the ordinary course of post.

10. These regulations shall cease to apply to any premises, vehicle, equipment, food or other goods in respect of which the Minister gives directions to any person under Section 14 of the Act for the period during which the directions are in operation.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twenty-third day of March, nineteen hundred and fifty.

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

Given under the Seal of the Secretary of State for Scotland this twenty-third day of March, nineteen hundred and fifty.

(L.S.) *Hector McNeil,*
Secretary of State for Scotland.

SCHEDULE

PART I

Any premises wholly or mainly used for the processing of any of the imported foods described in and fulfilling the requirements of Part II of this Schedule in:—

the production of flour or meal for human consumption,

the manufacture of cereal breakfast foods,

the distilling or malting of cereals,

the cleaning or grinding of rice,

the pearling of barley,

the splitting of pulses,

the extraction of oil,

the production of starch,

the production of animal provender, or compound animal feeding stuffs.

PART II

Imported foods of any of the following kinds which are on any of the premises described in Part I of this Schedule for the purposes of the processes therein referred to and which after discharge from the ship in which they were imported have been moved direct to such premises from the port of entry without any storage or warehousing save such as may be incidental to such movement, namely:—

cereals (including rice, millet, dari, sorghum and buckwheat),

cereal products,

pulses,

oil seeds,

other imported foods used in the production of animal provender or compound animal feeding stuffs.

EXPLANATORY NOTE

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

Section 13 of the Prevention of Damage by Pests Act, 1949, places obligations on persons engaged in the manufacture, storage, transport or sale of food to give notice to the Minister of Agriculture and Fisheries or the Secretary of State for Scotland of any infestation by pests of premises, vehicles, food or other goods. These regulations relax or exclude these obligations where that is expedient and place restrictions on the delivery of infested food and other goods so as to enable infestation by pests to be controlled. These regulations do not apply to shipping (including barges and lighters) or aircraft.