The White Fish Authority (General Levy) Regulations Confirmatory Order, 1951

1951 No. 2141

Made - - - -	*4th December,* 1951
Laid before Parliament	*5th December,* 1951
Coming into Operation	*10th December,* 1951

Whereas the White Fish Authority (hereinafter called "the Authority"), in exercise of the powers conferred upon them by subsection (1) of section eleven and by paragraph (*a*) of subsection (2) and subsection (3) of section fifteen of the Sea Fish Industry Act, 1951(**a**) (hereinafter referred to as "the Act"), and of all other powers enabling them in that behalf, have made the regulations set out in the Schedule to this Order:

And Whereas the Minister of Agriculture and Fisheries, the Minister of Food, and the Secretaries of State concerned with the sea fishing industry in Scotland and Northern Ireland (hereinafter referred to as "the Ministers") are satisfied that the Authority have complied with the requirements of the Third Schedule to the Act regarding publication:

And Whereas the Authority have transmitted to the Ministers the objections to the Authority's draft regulations which have been duly made to the Authority and not withdrawn:

And Whereas the Ministers have considered the said objections, and have made no modifications in the regulations as made by the Authority and set out in the Schedule to this Order:

Now, therefore, the Ministers, in exercise of the powers conferred upon them by subsection (6) of section five of the Act, and of all other powers enabling them in that behalf, hereby make the following Order:—

1. This Order may be cited as the White Fish Authority (General Levy) Regulations Confirmatory Order, 1951, and shall come into operation on the Tenth day of December, 1951.

2. The White Fish Authority (General Levy) Regulations, 1951, set out in the Schedule to this Order, are hereby confirmed.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 4th day of December, nineteen hundred and fifty-one.

Tom Dugdale,
Minister of Agriculture and Fisheries.

Given under the hand of the Secretary of State for the Home Department this 4th day of December, nineteen hundred and fifty-one.

David Maxwell Fyfe,
Secretary of State for the Home Department.

(a) 14 & 15 Geo. 6. c. 30.

Given under the Seal of the Secretary of State for Scotland this 4th day of December, nineteen hundred and fifty-one.

James Stuart,
Secretary of State for Scotland.

Given under the Seal of the Minister of Food this 4th day of December, nineteen hundred and fifty-one.

G. Lloyd George,
Minister of Food.

SCHEDULE

The White Fish Authority (General Levy) Regulations, 1951

1. There shall be paid to the Authority, subject to and in accordance with the provisions of these regulations, by every person who purchases white fish on a first-hand sale thereof, a levy at the rate of one halfpenny for every stone of white fish so purchased by him:

Provided that—

(*a*) if white fish is purchased on a first-hand sale through or from a wholesale merchant who sells on commission at or from premises situate elsewhere than at the port or place of landing, the levy shall be paid to the Authority by the said wholesale merchant, who shall be entitled to recover from the purchaser of the white fish in respect of which the levy is payable the amount of the levy so payable;

(*b*) no levy shall be payable in respect of a first-hand sale of shellfish.

2. The amount payable to the Authority by any person on account of the levy under the last foregoing regulation shall be paid to the Authority, or as they may direct, within seven days after the end of the week during which there took place the first-hand sale of the white fish in respect of which the levy is payable, or the week during which such fish was imported or brought into Great Britain, whichever is the later.

3.—(1) Every person who sells white fish otherwise than by retail shall keep or cause to be kept an accurate record of all his purchases and sales of white fish (other than sales by retail), including in respect of each such purchase or sale the date thereof, the name and address of the seller or purchaser, the descriptions of fish purchased or sold (indicating separately each species of fish and any headless fish or fillets), the net weight of each description and the price paid or charged.

(2) Every person who sells white fish by retail and every fish frier shall keep or cause to be kept an accurate record of all his purchases of white fish, including in respect of each such purchase the date thereof, the name and address of the seller, the descriptions of fish purchased (indicating separately each species of fish and any headless fish or fillets), the net weight of each description and the price paid.

(3) In respect of every sale or purchase of white fish which it is customary or usual to sell or purchase by reference to a method of calculation of quantity other than a calculation by weight, the records which are required to be kept under the provisions of the two foregoing paragraphs of this regulation by the persons referred to therein, shall, in addition to and not in derogation of the requirements of the said paragraphs, include particulars of white fish so sold or purchased by reference to the said method of calculation of quantity.

(4) The retention by any person of an accurate invoice or a copy thereof shall, as respects any of the matters hereinbefore mentioned of which sufficient particulars are contained in the said document, be deemed to be to that extent a compliance by that person with the foregoing provisions of this regulation.

(5) For the purposes of the foregoing provisions of this regulation, any description or species of white fish may be indicated by any customary or usual trade name.

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

"First-hand sale" means—

(*a*) in relation to white fish which has been landed outside Great Britain, but which is purchased by a person carrying on business in the white fish industry and is imported or brought into Great Britain for the purposes of any such business, the first sale thereof (whether in Great Britain or elsewhere) to such a person as aforesaid;

(*b*) in relation to any other white fish, the first sale thereof (other than a sale by retail) after it has been landed in Great Britain.

"Sale by retail" means a sale to a person buying otherwise than for the purposes of re-sale or processing or use as bait, and includes a sale to a person for the purposes of a catering business (other than a fish frying business); and

"Sell by retail" has a corresponding meaning.

"Stone" means fourteen pounds avoirdupois.

"Week" means a period of seven consecutive days ending at midnight on any Saturday.

"Wholesale merchant" means any person selling or offering for sale white fish otherwise than by retail.

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

5. These regulations shall not extend to Northern Ireland.

6. These regulations, which may be cited as the White Fish Authority (General Levy) Regulations, 1951, shall come into operation on the Tenth day of December, 1951.

EXPLANATORY NOTE

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

This Order confirms Regulations made by the White Fish Authority, imposing as from 10th December, 1951, a levy at the rate of one halfpenny for every stone of white fish landed on first hand sale. This levy is payable by the first-hand buyer; and all white fish, other than shellfish, are subject to the levy.

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