WHITE FISH INDUSTRY

1954 No. 28

The White Fish Authority (Returnable Containers) Regulations Confirmatory Order, 1954

Made - - - -	15*th January*, 1954
Laid before Parliament	15*th January*, 1954
Coming into Operation	18*th January*, 1954

Whereas the White Fish Authority (hereinafter called "the Authority"), in exercise of the powers conferred upon them by sub-sections (1) and (2) of section five of the Sea Fish Industry Act, 1951(**a**) (hereinafter referred to as "the Act"), as extended to Northern Ireland by the Northern Ireland (Sea Fish Industry) Order, 1951(**b**), and of all other powers enabling them in that behalf, have made the regulations which (modified as hereinafter recited) are 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 certain objections to the Authority's regulations, and the Ministers have considered the objections so transmitted to them;

And Whereas the Ministers have made such modifications in the Authority's regulations as, after consultation with the Authority, they consider desirable, and have in respect of the said modifications complied with the requirements of the Third Schedule to the Act regarding publication:

Now, therefore, the Ministers, in exercise of the powers conferred upon them by subsection (6) of section five of the Act, as extended to Northern Ireland by the said Northern Ireland (Sea Fish Industry) Order, 1951(**b**), 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 (Returnable Containers) Regulations Confirmatory Order, 1954, and shall come into operation on the eighteenth day of January, 1954.

2. The White Fish Authority (Returnable Containers) Regulations, 1953, set out in the Schedule to this Order, are hereby confirmed.

(**a**) 14 & 15 Geo. 6. c. 30. (**b**) S.I. 1951/1797 (1951 I, p. 738).

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 15th day of January, nineteen hundred and fifty-four.

Tom Dugdale,
Minister of Agriculture and Fisheries.

Given under the Seal of the Secretary of State for Scotland this 15th day of January, nineteen hundred and fifty-four.

James Stuart,
Secretary of State for Scotland.

Given under the Seal of the Minister of Food this 15th day of January, nineteen hundred and fifty-four.

G. Lloyd George,
Minister of Food.

Given under the hand of the Secretary of State for the Home Department this 15th day of January, nineteen hundred and fifty-four.

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

SCHEDULE TO THE ORDER

The White Fish Authority (Returnable Containers) Regulations, 1953

1.—(1) Where on a sale or consignment of white fish the seller or consignor delivers such fish to the buyer or consignee in a container which at the time of despatch is of such strength or construction that it might reasonably be expected to be fit, after transit to the premises of the buyer or consignee, for use for the safe transport of fish, that container shall not be supplied by the seller or consignor except as a returnable container, and upon the terms that a minimum sum of five shillings per container shall be charged to and be paid by the buyer or consignee, the sum so charged to be repayable or recredited to the buyer or consignee only in accordance with paragraph (2) (*b*) of this regulation. Any such container as aforesaid shall with all reasonable despatch be properly washed and cleaned and returned complete with lid by the buyer or consignee to the seller or consignor.

(2) Any sum charged in respect of a returnable container in accordance with this regulation shall:—

(*a*) be specified as a separate item on an invoice which shall be furnished by the seller or consignor to the buyer or consignee within ten days of the delivery of the white fish; and

(*b*) be repaid or recredited by the seller or consignor to the buyer or consignee only on the re-delivery by the buyer or consignee of the complete container in respect of which the charge is made in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear.

(3) For the purposes of this regulation re-delivery of a returnable container means delivery to the seller or consignor either at the premises of the buyer or consignee if the seller or the consignor so elects, or to a carrier for conveyance to the premises of the seller or consignor or to any other destination agreed with the seller or the consignor or to the box pool which hired the returnable container to the seller or consignor.

(4) This regulation shall not apply:—

(*a*) during the period up to and including the 30th day of June, 1954, to any container of a capacity not exceeding two stones of fish;

(*b*) during the period from and including the 1st day of July, 1954, until the expiry of these Regulations, to any container of a capacity not exceeding four stones of fish;

(*c*) to any container in which fish has been imported or brought into the United Kingdom.

(5) Where, pursuant to any arrangement with a fish trader, a Box Pool supplies a returnable container for the carriage of fish sold by the trader direct to the buyer of that fish, the Box Pool shall for the purposes of this regulation be deemed to be the seller of the fish.

2. No person engaged in the white fish industry shall use or cause to be used any container which has been used as a returnable container for the transport of white fish except for the purpose of the transport, storage, or display for sale, of fish; provided that it shall be a defence in any proceedings for an infringement of this regulation for the defendant to prove that the container in question was no longer reasonably fit for any of the said purposes.

3. In these Regulations—

(1) "White Fish" has the meaning as in the Act, but does not include shell fish, canned white fish or processed white fish (packed in advance ready for retail sale in containers made wholly or mainly of metal, glass or earthenware) cooked white fish, or any manufactured product containing white fish.

(2) "Box Pool" means an undertaking, incorporated or unincorporated, carrying on the business of owning, hiring or supplying to fish traders returnable containers for the transport of fish.

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

4.—(1) These Regulations shall come into force on the eighteenth day of January, 1954, and may be cited as the White Fish Authority (Returnable Containers) Regulations, 1953.

(2) These Regulations shall remain in force up to and including the 31st day of December, 1954, and shall then expire; and subsection (2) of section thirty-eight of the said Interpretation Act, 1889, shall apply upon the expiry of these Regulations as if they were contained in an Act of Parliament and had then been repealed.

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 relating to the use, supply and return of returnable fish boxes and the charging of a deposit upon them. The regulations come into effect on 18th January, 1954, and remain in force for a period of one year. They broadly replace the Fish (Returnable Containers) Order, 1950 (S.I. 1950/560) which was revoked with effect from 31st December, 1953.

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