

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Poultry Improvement Act (Northern Ireland) 1968. (See end of Document for details)

SCHEDULE

Section 3 (1)(2).

POULTRY STOCK LICENCES

ISSUE OF LICENCES

- 1 An application for a licence shall be in such form as the Ministry may require, and shall be made to the Ministry at such time and in such manner as may be prescribed.
- 2 (1) An applicant for a licence with respect to premises where a business involving an activity of any class or description to which section 2(1) applies is carried on shall, at the time at which the application is made, pay to the Ministry a fee of such amount as may, with the approval of the Ministry of Finance, be prescribed for licences with respect to premises used in connection with businesses involving activities of that class or description.
(2) A fee prescribed under sub-paragraph (1) may be of a specified amount or may be calculated by reference to the amount or quantity of poultry or eggs produced, or capable of being produced, in the premises in question.
(3) The Public Offices Fees Act 1879 (fees payable in public offices to be collected in money or by stamps as the Ministry of Finance by order published in the Belfast Gazette directs) shall not apply to a fee payable under this paragraph.
- 3 The Ministry may refuse to issue a licence—
 - (a) to an applicant who in his application gives information which is false or incomplete in a material particular; or
 - (b) to an applicant who formerly held a licence and whose licence has been revoked or renewal of whose licence has been refused; or
 - (c) if the premises with respect to which the application is made are wholly or partly the same as those used for purposes in connection with which a licence previously held by another person has been revoked or refused to be renewed and the Ministry is not satisfied that the business in connection with which the licence is applied for is not carried on or to be carried on wholly or partly for the benefit of that other person; or
 - (d) if the Ministry is not satisfied—
 - (i) that the premises with respect to which application for the licence is made and the plant, equipment and utensils to be used in or in connection with the premises comply with the prescribed standards; and
 - (ii) that the standard of husbandry practised or likely to be practised in the premises is adequate.

DURATION OF LICENCES

- 4 A licence shall, unless suspended under paragraph 6 or revoked under paragraph 7, be in force for such year or such other period as the Ministry may direct, but shall be renewable; and, subject to paragraph 7, this Schedule shall apply to the renewal of a licence as it applies to the grant thereof.

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AMENDMENT OF CONDITIONS

- 5 The Ministry may amend any conditions specified in a licence but no such amendment shall have effect until it has been brought to the notice of the licence-holder.

SUSPENSION

- 6 (1) The Ministry may suspend a licence where, following an inspection by an authorised officer of the premises, plant, equipment, utensils or practice of the licence-holder, it appears to the Ministry that the prescribed standards are not being observed or that the standard of husbandry is inadequate, but that the prescribed standards could be observed, or that there is reason to believe that the standard of husbandry will be rendered adequate, within a reasonable period.
- (2) When the Ministry suspends a licence, the Ministry shall serve on the licence-holder—
- (a) notice in writing of the suspension; and
 - (b) particulars of the action which appears to the Ministry to be necessary to bring his premises, plant, equipment or utensils into conformity with the prescribed standards or to render his standard of husbandry adequate;
- and shall also inform him of his right to require a fresh inspection under sub-paragraph (3).
- (3) Where the licence-holder is of the opinion that any action of which particulars are served on him under head (b) of sub-paragraph (2) is unreasonable, he may require a fresh inspection of his premises, plant, equipment, utensils or practice by an authorised officer other than the officer who made the inspection mentioned in sub-paragraph (1); and on receipt of the report of such other officer the Ministry shall review the suspension and the particulars served under the said head (b), having regard to that officer's report and any further representations which may be made by the licence-holder.
- (4) The suspension of a licence under this paragraph shall, in the first instance, have effect for twenty-eight days or such shorter period as the Ministry may direct, and may be extended; but, except for the purpose mentioned in paragraph 8(2), no such extension shall be made so as to continue the suspension for a period exceeding fifty-six days in all.

REVOCATION OF, AND REFUSAL TO RENEW, LICENCES

- 7 The Ministry may revoke or refuse to renew a licence—
- (a) where the Ministry is satisfied that the licence-holder or any person acting on his behalf has contravened or failed to comply with any condition of the licence; or
 - (b) where the licence-holder is convicted of an offence under any provision of this Act; or
 - (c) where the Ministry is not satisfied that the prescribed standards are being observed or that an adequate standard of husbandry is being practised, and it

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- does not appear to the Ministry that those standards can or will be observed or (as the case may be) that the standard of husbandry will be rendered adequate within a reasonable period; or
- (d) where the licence has been suspended and any action of which particulars have been served under sub-paragraph (2)(*b*) of paragraph 6, or any such action as modified in consequence of the review mentioned in sub-paragraph (3) of that paragraph, has not been completed to the satisfaction of the Ministry within the period, or any extended period, of the suspension; or
- (e) on any ground on which the Ministry might have refused to issue a licence.
- 8 (1) Where the Ministry proposes to revoke or to refuse to renew a licence, the Ministry shall serve on the licence-holder—
- (a) in the case of a licence other than a suspended licence, at least twenty-eight days, or
- (b) in the case of a suspended licence, at least fourteen days,
- prior notice in writing of its intention to do so and of the grounds upon which the proposed revocation or refusal is contemplated; and before revoking or, as the case may be, refusing to renew the licence the Ministry shall consider any representations in writing in relation thereto made by the licence-holder before the expiration of the period of the notice.
- (2) Notwithstanding the limitation imposed by paragraph 6(4), the period of suspension of any licence may be extended until the expiration of the period of the notice mentioned in sub-paragraph (1)(*b*).

NOTICE OF REFUSAL OR REVOCATION

- 9 Where the Ministry refuses to issue a licence or revokes or refuses to renew a licence the Ministry shall serve a notice in writing to that effect on the person whose application for a licence has been refused or, as the case may be, whose licence has been revoked or the renewal of whose licence has been refused; and,—
- (a) the notice shall specify the grounds on which the application has been refused or the licence revoked or its renewal refused; and
- (b) except where the application has been refused on any of the grounds mentioned in paragraph 3(*d*) or the licence has been revoked or the renewal thereof has been refused on any of the grounds mentioned in paragraph 7(*c*) or (*d*), the notice shall inform that person of his right, if he questions the grounds of the refusal or revocation, to demand a reference upon the matters in question in pursuance of paragraph 10, and of the time within which the demand may be made.

REFERENCE OF DISPUTES

- 10 (1) A person whose application for a licence has been refused (except on any of the grounds mentioned in paragraph 3(*d*) or whose licence has been revoked or refused to be renewed (except on any of the grounds mentioned in paragraph 7(*c*) or (*d*)) and who questions the existence or sufficiency of the grounds of the refusal or revocation

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may demand a reference thereupon in accordance with the succeeding provisions of this Schedule.

- (2) The Minister of Agriculture shall from time to time prepare a panel of not less than three persons each of whom shall be a practising barrister-at-law or a practising solicitor of the Supreme Court of Judicature in Northern Ireland, in either case of not less than seven years standing.
- (3) Where a person, not later than the expiration of fourteen days from the date of the service on him of notice of the refusal or revocation, serves on the Ministry notice in writing of his intention to demand a reference under this paragraph, the Ministry shall send to him a copy of the panel mentioned in sub-paragraph (2) which is for the time being in force, and that person may select from the panel the name of a member thereof and may, not later than twenty-eight days from the date on which the copy of the panel was so sent to him, serve on the Ministry a demand for a reference, naming the member selected and stating the matters which he questions; and on the receipt by the Ministry of a demand so served those matters, to the extent that they are within the application of sub-paragraph (1), shall stand referred to the member of the panel so named.
- (4) [^{F1}Part I of the Arbitration Act 1996] shall not apply in relation to any reference under this paragraph.
- (5) The Ministry may pay to a person acting as referee on a reference under this Schedule fees and travelling and other allowances in respect of his services in accordance with such scales and subject to such conditions as the Ministry may determine with the approval of the Ministry of Finances.

F1 1996 c.23

- 11 (1) A referee acting under this Schedule may by notice in writing require any person—
 - (a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question on the reference; or
 - (b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question on the reference as the referee may think fit and as the person so required is able to furnish;
 so however that—
 - (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him; and
 - (ii) nothing in this sub-paragraph shall empower the referee to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or otherwise, to refuse to produce or to answer if the hearing of the reference were a proceeding in a court of law.
- (2) The expenses mentioned in paragraph (1)(i) shall be paid or tendered—
 - (a) where the notice is issued on the application of any party to the reference, by that party;
 - (b) where the notice is issued without any such application, by the Ministry.

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- (3) A referee may administer oaths and examine witnesses on oath and may accept in lieu of evidence on oath by any person a statement in writing by that person.
- (4) Any person who refuses or wilfully neglects to attend in obedience to a notice under sub-paragraph (1), or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice, or who refuses or wilfully neglects to furnish any information which he is required to furnish under head (b) of sub-paragraph (1), shall be guilty of an offence.
- 12 The parties to the reference may appear—
- (a) in the case of the person demanding the reference, in person, or by solicitor or counsel; or
- (b) in the case of the Ministry, by an authorised officer, or by solicitor or counsel;
- and may cross-examine witnesses.
- 13 (1) The following provisions shall have effect with respect to the confirmation or quashing of any refusal or revocation in relation to which a reference has been demanded under paragraph 10, namely—
- (a) subject to head (b), if no ground of objection to the refusal or revocation which is relevant having regard to the provisions of paragraph 10(1) is established to the satisfaction of the referee, he shall confirm the refusal or revocation;
- (b) if no such ground of objection is so established, but the referee is nevertheless of opinion that the grounds upon which the refusal or revocation was made (not being grounds excepted from the application of paragraph 10(1)) are insignificant, or so trivial that the refusal or revocation should not be upheld, he may quash the refusal or revocation;
- (c) if such a ground of objection is so established, the referee shall quash the refusal or revocation.
- (2) Where the referee quashes a refusal or revocation as mentioned in head (b) of sub-paragraph (1) he shall state his reasons for the opinion mentioned in that head.
- (3) Where a refusal or revocation is quashed under this paragraph, the Ministry shall issue or, as the case requires, restore or renew, the licence in question.
- (4) The quashing under this paragraph of the revocation of a licence shall not effect the previous operation of that revocation.
- 14 (1) A referee acting under this Schedule may make orders as to the expenses incurred by the parties to the reference, and the parties by whom any such expenses (including any expenses incurred by the Ministry under paragraph 10(5) or 11(2)(b)) shall be paid.
- (2) Any expenses awarded to the Ministry under sub-paragraph (1) shall be recoverable by the Ministry summarily as a civil debt.

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DEATH OF LICENCE-HOLDER

- 15 (1) Where a person who holds a licence dies, the licence shall enure for the benefit of his personal representative or of any person beneficially interested in his estate until the expiration of—
- (a) a period of two months from his death; or
 - (b) such longer period as the Ministry may allow;
- unless it expires or is revoked before the expiration of that period.
- (2) Where the licence in question stands suspended under paragraph 6, the reference in sub-paragraph (1) to the licence enuring shall be construed as a reference to its enuring as a suspended licence.

OTHER PROVISIONS

- 16 The Ministry shall, on the payment of a fee of [^{F2} 5p], issue to any person a certified copy of a licence held by him.

F2 1969 c.19

- 17 When a licence is suspended or revoked, the holder shall, within fourteen days of receiving a request for its return to the Ministry, return the licence to the Ministry together with any certified copies thereof issued to him under paragraph 16.
- 18 (1) Subject to sub-paragraph (2), in this Schedule “licence” means a poultry stock licence.
- (2) The references to a licence in head (*b*) of paragraph 3, and the first such reference in head (*c*) of that paragraph include references to a licence under the Act of 1950.

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