

aforesaid, a person shall be deemed to sell the regulated product if he sells the carcasses of any live stock of that kind, being live stock produced by him in the area to which the scheme is applicable."

4. In sub-section (1) of section twenty-one of the Northern Ireland Act the definition of the expression "United Kingdom Act" shall be modified to such extent as is necessary in order that the same may be read and have effect as follows:—

"'United Kingdom Act' means any Act which may be passed in the present session of the Parliament of the United Kingdom to provide for the better organisation and development of the agricultural industry and of industries connected therewith by regulating the importation and sale of agricultural products and the production of secondary agricultural products, to amend the law with respect to the marketing of agricultural products, and to make further provision in connection with the matters aforesaid."

5. This Order may be cited as the Agricultural Marketing (Modification of Enactments) Order (Northern Ireland), 1933, and shall come into force upon the date hereof.

Given at the County Court House, Belfast, this 27th day of July, 1933.

(Signed),

E. M. Archdale.

Richard Best.

J. Milne Barbour.

Pigs Marketing Scheme.

THE PIGS MARKETING SCHEME (NORTHERN IRELAND) (APPROVAL) ORDER, 1933, DATED SIXTH SEPTEMBER, 1933, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND, UNDER SECTION 1 (3) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND), 1933 (23 & 24 GEO. 5, CH. 22).

1933. No. 93.

WHEREAS the Ministry of Agriculture for Northern Ireland in exercise of its powers under the Agricultural Marketing Act (Northern Ireland), 1933, framed a Scheme regulating the marketing of pigs, as set forth in the schedule hereto:

And whereas in pursuance of the provisions of the First Schedule to the Agricultural Marketing Act (Northern Ireland), 1933, notice of the framing of the said scheme and of the period during which objections and representations with respect thereto might be made, was given in the Belfast Gazette of August 11th, 1933:

And whereas no objections or representations with respect to the said scheme were made during the said period :

Now, therefore, the Ministry of Agriculture for Northern Ireland, in exercise of the powers conferred on it by Section 1 (3) of the Agricultural Marketing Act (Northern Ireland), 1933, hereby makes the following Order :—

1. The said Scheme, as framed, is approved.
2. The said Scheme shall come into force on the first day of October, 1933.
3. This Order may be cited as "The Pigs Marketing Scheme (Northern Ireland) (Approval) Order, 1933."

(Signed), *James S. Gordon.*

In Witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed this sixth day of September, Nineteen hundred and thirty-three.
(L.S.)

SCHEDULE.

SCHEME FRAMED UNDER THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND), 1933, REGULATING THE MARKETING OF PIGS.

Part I. Preliminary.

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

2. In this Scheme, except where the context otherwise requires—

"The Act" means the Agricultural Marketing Act (Northern Ireland), 1933 :

"Minister" means the Minister of Agriculture for Northern Ireland :

"Bacon" means bacon produced from pigs killed and cured or carcasses cured in Northern Ireland, and includes hams. It also includes any part of a pig or carcase (including chaps) which is in any way cured (with the exception of heads—minus chaps—feet and offal) by salting, pickling, processing or preserving for any period which will in any way alter the character of the meat :

"Calendar year" means a consecutive period of twelve months beginning on the first day of January :

"Curer" means a person registered under any scheme in force under the Act regulating the marketing of bacon,

or, if no such scheme is in force, a person whose business consists, in whole or in part, in producing bacon in Northern Ireland, and who either—

- (a) uses for the purpose machinery driven by mechanical power (mechanical power includes water power); or
- (b) puts or has put into cure whether by himself or any other person in any consecutive period of two months commencing on or after the first day of November, 1932, more than forty hundredweights of bacon on all the premises occupied by him, bacon put into cure otherwise than for the first time being left out of account:

“Pigs” means pigs produced in Northern Ireland.

“Producer” means a person who breeds pigs or keeps them for the purpose of breeding from them or selling them in an improved condition:

“Registered” means registered under this Scheme and “registration” shall be construed accordingly:

“Secretary” includes any person for the time being authorised by the Board to act as their Secretary.

3. The Interpretation Act, 1921, shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

Part II. The Board.

4. The Board to administer this Scheme shall be called the Pigs Marketing Board (Northern Ireland), and shall be a body corporate with a common seal and power to hold land without licence in mortmain.

5. Until the thirty-first day of March, 1934, the Pigs Marketing Board (Northern Ireland) (hereinafter referred to as “the Board”) shall consist of the following persons:—

J. S. GORDON, Esq., C.B.E., D.Sc., Stragollen, Strabane
(Chairman).

H. A. M. BARBOUR, Esq., M.A., Strathearne, Dunmurry.

G. CHESNEY, Esq., Ballynafie, Portglenone.

J. GRAHAM, Esq., J.P., Derryane House, Derrylee, Dungannon.

M. M. M'CAUSLAND, Esq., H.M.L., J.P., Drenagh, Limavady.

SIR DUDLEY M'CORKEILL, M.B.E., D.L., J.P., Ballyarnett,
Londonderry.

A. M'GUCKIAN, Esq., Cloughmills.

CHARLES MAGEE, Esq., Carnmeen, Newry.

JOHN M. MARK, Esq., M.P., The Banks, Limavady.

REV. R. MOORE, B.A., Ballymacannon, Macosquin, Coleraine.

ROBERT RUSK, Esq., J.P., Cavanaleck, Fivemiletown.

CAPTAIN T. H. WALLACE, M.C., LL.B., J.P., Bishopscourt,
Dromore.

MATTHEW J. WAUCHOB, Esq., J.P., Laraghs, Newtownstewart.

DAVID WRIGHT, Esq., J.P., The Moat, Dundonald.

Thereafter the Board shall consist of fourteen members of whom three shall be appointed members, that is to say, they shall be appointed and may be removed by the Minister, and eleven shall be elected members, that is to say, they shall be elected by registered producers in the following administrative counties and according to the following numbers, that is to say :—

Antrim	..	..	3 members.
Armagh	..	..	1 member.
Down	..	..	2 members.
Fermanagh	..	..	1 member.
Londonderry	..	..	2 members.
Tyrone	..	..	2 members.

6. An election of members for the administrative counties of Antrim, Armagh, and Down shall be held in the year 1934 and in every fourth calendar year thereafter, and an election of members for the administrative counties of Fermanagh, Londonderry and Tyrone shall be held in the year 1934, in the year 1936, and in every fourth calendar year after the year 1936. Every election of members shall be held in the month of February. Every elected member shall, subject to the provisions of this Scheme, hold office until the expiration of the day on which the next election for his county takes place.

7. An elected member of the Board whose term of office expires, or who resigns his office, shall be eligible for election or re-election.

8. 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 has 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 sixteen of the Act.

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

9. If an elected member of the Board dies or ceases to hold office under the last preceding paragraph, the Board shall co-opt a person in his place, and any person so co-opted shall, unless he dies or ceases to hold office as aforesaid, hold office for so long as his predecessor would have held office.

10. 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. The Board shall, in accordance with sub-section (2) of section two of the Act, appoint an executive committee consisting of not more than eleven of their members and including the chairman and vice-chairman of the Board, and any appointed members thereof not being such chairman or vice-chairman. The chairman of the Board shall, ex officio, be chairman of the executive committee. A committee shall not hold office beyond the next election of elected members of the Board, and shall report their proceedings to, and obey any directions of, the Board.

11. The quorum of the Board and of any committee thereof shall be such as the Board may from time to time determine, but in the case of the Board, shall, until otherwise determined, be five, and shall not be less than that number, and in the case of any committee shall in no case be less than three. 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. Three members of the Board may, and the Secretary on the request of any three members of the Board or of the chairman shall, convene a meeting of the Board.

12. 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 qualification 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.

13. 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, or of any committee thereof, shall be sent to the Ministry within fourteen days of such meeting.

14. The common seal of the Board shall not be applied to any document except by the authority of the Board or of the executive committee of the Board, and the application of the seal shall be attested by the chairman or vice-chairman and at least one other member of the Board and by the Secretary.

15. 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.

16. The chairman and vice-chairman of the Board shall (provided they remain members of the Board) hold office for a period of three years and shall be eligible for election or re-election.

17. The Board—

- (a) may, subject to the provisions of section ten of the Act, employ a secretary and such other officers, servants and agents as they think fit ;
- (b) 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 ;
- (c) may enter into such agreements, acquire such property and do such things as may in their opinion be necessary or desirable for the purpose of exercising any of their powers or performing any of their duties under this Scheme, and may sell or otherwise dispose of any property acquired by them which they do not need for such purpose.

18. 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 (if any) as may be recommended by them and approved by the Ministry.

19.—(a) 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.

(b) 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.

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

- (i) any interest which he has or acquires in any contract to which the Board are a party or in which the Board have or acquire any interest; and
- (ii) 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.

(d) 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; and, if he does vote, his vote shall not be counted:

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

Part III. Register of Producers.

20. The Board shall keep a register of producers, and every producer shall, on application to the Board, be entitled to be registered therein.

21. 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, other than Saturdays, 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 administering any scheme under the Act regulating the marketing of bacon shall on demand be entitled once in each calendar year to be supplied with a copy of the register free of charge.

22. Any producer who desires to sell pigs neither to curers nor to the Board shall be exempt from registration.

23. 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:

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.

Part IV. Elections.

24. Nominations of candidates for election to the Board must be lodged with the Ministry not later than the twentieth day of January in the year in which the election is to be held. A candidate for election must be nominated, in writing, by two registered producers as proposer and seconder, and by eight other registered producers as assenting to the nomination, and his nomination shall be sent to the Secretary, Ministry of Agriculture, Stormont, Belfast, by registered post. The proposer and seconder and the assenters to the nomination of a candidate for election shall be registered producers residing within the administrative county for which the candidate is nominated.

25. For the purpose of elections to the Board the electoral area shall be the administrative county, and registered producers residing within an administrative county shall be entitled to vote only for candidates nominated for that county. Elections shall be conducted by post, and not later than the seventh day of February in the year in which the election is to be held a voting paper shall be sent by the Ministry to every producer whose name appeared at the first day of February in that year on the register of producers for those administrative counties for which an election is due to be held. Only such of the said voting papers as are properly completed and as reach the Ministry on or before the twenty-first day of February in the year in which the election is held shall be taken into account.

Part V. Financial Provisions.

26. 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 this 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 any securities in which a trustee might lawfully invest trust moneys under the powers of the Trustee Act, 1893, as extended by any enactment for the time being in force in Northern Ireland.

27. 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.

28.—(a) The Board shall keep proper accounts and in particular shall keep a separate Administrative Account and a separate Trading Account and shall annually make out a balance sheet and either a profit and loss account or, if the Board does not trade for profit, an income and expenditure account, and shall cause them to be audited by a member of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors, and as soon as may be after the auditor has reported thereon and in any case within three months of the close of the period covered by the profit and loss or income and expenditure account, shall send to the Ministry and to every registered producer a copy thereof and of the report of the auditor thereon, and also a report by the Board as to the working of this Scheme in the period covered by the profit and loss or income and expenditure account.

(b) If and so long as the Board is 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.

29. The Board shall, on the demand of any person and on payment by him of a fee of one shilling, furnish to him a copy of their accounts.

Part VI. Provisions as to Marketing and Principal Powers of the Board.

30. Subject to the provisions of the Act with respect to existing contracts and to the provisions of this paragraph a producer who is neither a registered producer nor a person exempted from registration shall not sell any pigs : provided that—

- (a) sales of pigs otherwise than to the Board or to any curer shall be exempt from the provisions of this paragraph ;
- (b) sales of pigs to the Board or to any curer, other than sales on contract, shall be exempt from the provisions of this paragraph.

31. The Board may regulate sales of pigs by any producer by determining from time to time—

- (a) the descriptions of pigs which may be sold ;
- (b) the price at, below or above which, the terms on which, and the persons to, or through the agency of whom, pigs of any description may be sold ;

32. The Board may from time to time determine the quantity (if any) of pigs, or of any description thereof, which may be sold by any producer, by reference to the quantity of pigs or of any description thereof which was, in some past period, produced, sold, or otherwise dealt with on particular land or premises or by particular persons.

33. The Board may—

- (a) buy pigs ;
- (b) produce from pigs any of the commodities specified in the Schedule to this Scheme ;
- (c) sell and (subject to regulations made by the Ministry under sub-section (2) of section four of the Act) grade, pack, store, adapt for sale, insure, advertise and transport any pigs bought or commodities produced by them as aforesaid ;
- (d) for the purpose of producing from pigs bought by them any such commodities as aforesaid, establish slaughter-houses ;
- (e) buy, and sell or let for hire to registered producers, anything required for the production of pigs ;
- (f) regulate the manner in which pigs of any description shall be insured by registered producers ;

- (g) co-operate with any other person in doing any of the things previously mentioned in this paragraph ;
- (h) do such things as appear to the Board to be calculated to encourage co-operation among producers of pigs or research and education in connection with the production and marketing of pigs and commodities produced from pigs, and in particular (but without prejudice to the generality of the foregoing provisions) may provide or may contribute towards the funds of any institute, association or other body which shall provide for producers the services known as " pig recording " and " litter testing " and any services for similar purposes.

Where in pursuance of sub-division (h) of this paragraph the Board render any services to any producer, they may make such charges in respect thereof as they consider reasonable.

34. Without prejudice to the generality of the powers conferred on the Board by the foregoing provisions of this part of this Scheme, the Board may from time to time, after consulting the board administering any scheme under the Act regulating the marketing of bacon, or, if there is no such board, after consulting such organisations or persons as they think best qualified to express the views of curers, prescribe all the terms on which and the form in which contracts for the sale of pigs by registered producers or groups of registered producers to curers shall be made and without prejudice to the power of the Board to prescribe any other terms the Board may prescribe all or any of the matters following as terms of such contracts—

- (a) that the Board shall be an additional party to the contract ;
- (b) the description of pigs which may be sold ;
- (c) the prices at, below, or above which, or the method of arriving at the prices at which, pigs may be sold ;
- (d) the dates for delivery of pigs, or the period during which pigs may be sold ;
- (e) that the curer shall, out of moneys then or thereafter to come to his hands on account of pigs supplied by a registered producer, pay to the Board any sums from time to time due to the Board from such registered producer ;
- (f) that the contract shall be conditional upon its registration and subsequent confirmation, either with or without modification, by the Board pursuant to this Scheme;
- (g) the penalties for any breach of the terms of the contract on the part of the registered producer and the method of settling disputes.

35. No contract for the sale of pigs by a registered producer to a curer shall be performed by the delivery of pigs or be enforceable unless and until it shall have been registered with and subsequently confirmed by the Board.

36. The Board may, if they think fit, refuse to register—

- (a) any contract received for registration by the Board later than the fourteenth day after the day on which it was made ;
- (b) any contract not in the form prescribed by the Board.

37. The Board shall within fourteen days of the receipt of a contract for registration, not being a contract which, under paragraph 36 of this Scheme, the Board have refused to register, either confirm the contract unconditionally or confirm it subject to such reduction in the number of pigs agreed to be sold as may be necessary in order to comply with a determination of the Board under the provisions of paragraph 32 of this Scheme.

38. Any contract which the Board shall refuse to register shall thereupon be absolutely void ; and if any contract shall be confirmed subject to a reduction in the number of pigs agreed to be sold, it shall thereupon become operative and enforceable to the extent of such reduced number of pigs.

39. Any registered producer may offer pigs for sale to the Board and the Board shall purchase such pigs and shall pay such price as may have been determined by the Board in accordance with the provisions of paragraph 31 of this Scheme for the description of pigs so sold, subject to a special deduction to be determined by the Board but which shall in no case be less than two shillings per cwt.

Provided that no registered producer shall be entitled to require the Board to purchase dead pigs from him.

40. Upon the sale of any pigs to a curer or to the Board a producer shall pay a contribution of such amount per pig as the Board, with the approval of the Ministry, may determine to be necessary for the operation of this Scheme or otherwise for the purposes of the Act in its application to this Scheme. Such contributions shall be deducted from the price paid by a curer for pigs purchased by him and shall be paid by the curer to the Board in such manner and at such times as the Board may determine :

Provided that this provision shall be without prejudice to any other method of recovering such contribution which is authorised by the Act.

41. 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 in its application to this Scheme shall be distributed among producers—

- (a) in proportion to the number of pigs sold by them to curers or to the Board during such period as the Board, with the approval of the Ministry, may determine ; or
- (b) in proportion to the number of pigs on land occupied by producers at such date as the Board, with the approval of the Ministry, may determine.

42. The Board may pay on account or lend to a registered producer, on such security (if any) and on such terms as to interest and otherwise as the Board think fit, a portion of the amount which they estimate that such producer will receive from the sale to the Board of pigs which are in the course of being produced by him.

43. Any registered producer who satisfies the Board, or establishes by arbitration in accordance with Part VII of this Scheme, that the Board have in any respect given an undue preference to any other registered producer, shall be entitled to receive from the Board such sums by way of compensation as are in the opinion of the arbitrator necessary to make good any damage suffered by such first-mentioned producer by reason of the undue preference.

44. The Board may, whenever 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.

45. 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.

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

Part VII. Miscellaneous.

46. Part X of the Companies Act (Northern Ireland), 1932, (which relates to the winding up of unregistered companies) shall apply in relation to the Board, subject to the modifications set out in paragraphs 4, 5, 6, 7 and 8 of the Second Schedule to the Act.

47. 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 or to any curer 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 purposes of this paragraph, be deemed to have been sold for delivery on the first day of the period allowed by the contract for the delivery thereof.

48. 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, and the arbitrator may make such order in the matter as he thinks just.

An arbitrator agreed upon or nominated as aforesaid shall have power to award costs, and the expenses of the arbitration shall be defrayed as the arbitrator may direct. The award of the arbitrator may be made a rule of court upon the application of either party under and in accordance with the Common Law Procedure Amendment Act (Ireland), 1856.

49. Any requirement of this Scheme that a document shall be sent to or served on 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 or service of the document the document is dispatched to such person by post, properly addressed and with the postage prepaid.

SCHEDULE.

PRODUCTS WHICH MAY BE PRODUCED BY THE BOARD FROM PIGS.

Pork, bacon, hams, sausages, inwards, brawn, galantines 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 feeding stuffs.

Public Inquiry.

THE AGRICULTURAL MARKETING (PUBLIC INQUIRY) REGULATIONS
(NORTHERN IRELAND), 1933, DATED THE 4TH DAY OF AUGUST,
1933.

1933. No. 86.

The Ministry of Agriculture for Northern Ireland, in exercise of the powers conferred on it by paragraph 4 of Part I of the First Schedule to the Agricultural Marketing Act (Northern Ireland), 1933, hereby makes the following regulations:—