

**AGRICULTURAL MARKETING.**

*Bacon Marketing Scheme, p. 2.*  
*Modification of Enactments,*  
*p. 12.*

*Pigs Marketing Scheme, p. 14.*  
*Public Inquiry, p. 26.*

**Bacon Marketing Scheme.**

THE BACON MARKETING SCHEME (NORTHERN IRELAND) (APPROVAL) ORDER, 1933, DATED TWENTIETH SEPTEMBER, 1933, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND, UNDER SECTION 1 (3) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND), 1933, (23 AND 24 GEO. V. CH. 22).

1933. No. 99.

WHEREAS the Ministry of Agriculture for Northern Ireland (hereinafter referred to as "the Ministry") in exercise of its powers under the Agricultural Marketing Act (Northern Ireland), 1933, framed a Scheme regulating the marketing of bacon (including hams) :

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 September 1st, 1933 :

And whereas during the said period certain objections were made to the scheme, and the Ministry after taking the said objections into consideration, modified the Scheme as required by the objections :

Now, therefore, the Ministry, 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 modified and as set forth in the Schedule hereto, 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 Bacon Marketing Scheme (Northern Ireland) (Approval) Order, 1933."

In Witness whereof the official seal of the Ministry is hereunto affixed this twentieth day of September, 1933.

(L.S.)

*James S. Gordon,*  
 Secretary.

## SCHEDULE.

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

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*Part I. Preliminary.*

1. This Scheme may be cited as the Bacon 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 carcass (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.

“Bacon put into cure” means *ex cure*, but before smoking and, or, drying :

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

“Producer” means a producer of bacon as defined above :

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

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

“Week” means a consecutive period of seven days beginning on a Sunday.

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 Bacon 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 Bacon Marketing Board (Northern Ireland) (hereinafter referred to as "the Board") shall consist of the following persons :—

K. D. L. Sinclair, Esq., 7 Tomb Street, Belfast (Chairman);  
 H. A. M. Barbour, Esq., M.A., "Strathearne," Dunmurry;  
 David Bennett, Esq., Basin Walk, Newry;  
 W. F. Bigger, Esq., Foyle Street, Londonderry;  
 R. N. Boyd, Esq., 1 Lilliput Road, Belfast;  
 J. D. Caruth, Esq., J.P., Ballymena;  
 J. H. Finlay, Esq., 34 Ann Street, Belfast;  
 Patrick Gilliland, Esq., 40 Townsend Street, Belfast;  
 J. S. Gordon, Esq., C.B.E., D.Sc., Stragollen, Strabane;  
 James Mark, Esq., Foyle Street, Londonderry;  
 Sir D. M'Corkell, M.B.E., D.L., J.P., Ballyarnett, Londonderry;  
 Wm. S. M'Laughlin, Esq., J.P., Enniskillen;  
 Fred. C. Robinson, Esq., 169 & 173 York Street, Belfast;  
 Samuel Skelly, Esq., 15 Hamilton Place, Belfast.

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 as follows :

6 members by large producers, that is to say, by producers each of whom during the calendar year preceding that in which the election is held put into cure, at all premises occupied by him in Northern Ireland, more than one thousand tons of bacon (excluding bacon put into cure otherwise than for the first time);

3 members by medium producers, that is to say, by producers each of whom during the calendar year preceding that in which the election is held put into cure, at all premises occupied by him in Northern Ireland, a quantity of bacon which exceeded four hundred tons but did not exceed one thousand tons (excluding bacon put into cure otherwise than for the first time);

2 members by small producers, that is to say, by producers each of whom during the calendar year preceding that in which the election is held put into cure, at all premises occupied by him in Northern Ireland, a quantity of bacon which did not exceed four hundred tons (excluding bacon put into cure otherwise than for the first time).

Provided that in respect of the first election of members of the Board a large producer, a medium producer and a small producer respectively shall be deemed to be producers who during the year ended 31st December, 1933, bought for curing a number of pigs exceeding 15,000 in the case of a large producer, exceeding 6,000 but not exceeding 15,000 in the case of a medium producer, and not exceeding 6,000 in the case of a small producer.

6. An election of members of the Board shall be held in the year 1934 and every second calendar year thereafter. 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 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 :

Provided that any such co-opted member shall be from the same class of registered producers (as defined in paragraph five of this Scheme) as that from which the member deceased or having ceased to hold office was elected.

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 com-

mittee shall not hold office beyond the next election of elected members of the Board, and shall report their proceedings to, and obey 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 two 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 pigs shall, on demand, be entitled once in each calendar year to be supplied with a copy of the register free of charge.

22. The following producers shall be exempt from registration and from the operation of this Scheme—that is to say, any producer who does not use, for the purpose of producing bacon, machinery driven by any form of mechanical power (mechanical power includes water power) so long as he can, if required to do so, satisfy the Board with respect to each of the premises occupied by him that on those premises not more than forty hundred-weights of bacon in all have been put into cure in any consecutive period of two months commencing on or after the first day of November, 1932, whether by him or by any other person, bacon which was put into cure otherwise than for the first time being left out of account.

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 his nomination shall be sent to the Secretary, Ministry of Agriculture, Stormont, Belfast, by registered post. The proposer and seconder of a candidate nominated for election shall be producers registered within the class (as defined in section 5 of this scheme) for which the candidate is nominated.

25. For the purpose of elections to the Board the electoral classes shall be as defined in section 5 of this scheme and registered producers within any of those classes shall be entitled to vote only for candidates nominated for that class. 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 on the register of producers at the first day of February in that year. 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.

26. For the purpose of an election the Ministry shall allot to each registered producer a number of votes proportionate to the quantity of bacon which that producer is capable of producing, such quantity being the total quantity put into cure, whether by that producer or any other person, during the calendar year preceding the date of the election, at all premises in the occupation of that producer on the date of the election, bacon put into cure otherwise than for the first time being left out of account, and a registered producer shall be entitled to give the number of votes so allotted to him.

Provided that in respect of the first election the number of votes allotted to each registered producer shall be proportionate to the number of pigs bought by him for curing during the year ended 31st December, 1933.

#### *Part V. Financial Provisions.*

27. 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.

28. 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.

29.—(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 or of the Corporation of Accountants Limited, or of the London Association of Certified Accountants Limited, 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.

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

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

31. Subject to the provisions of the Act with respect to existing contracts, a producer who is neither a registered producer nor a person exempted from registration shall not sell any bacon either in Northern Ireland or elsewhere.

32. The Board may regulate sales of bacon by any producer by determining from time to time—

- (a) the description of bacon which may be sold ;
- (b) the quantity (if any) of bacon or of any description thereof which may be sold by any producer, by reference to the quantity of bacon 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 from time to time exempt, in whole or in part, sales of such descriptions of bacon, or sales of bacon to such classes of persons, as may be specified in regulations to be made by the Ministry under the Act with respect to the removal of bacon from Northern Ireland to Great Britain, from the operation of any determination of the Board under paragraph 32 of this Scheme.

34. 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 bacon as may, with the approval of the Ministry, be specified in the demand.

35. The Board may, either alone or in co-operation with any other person, advertise bacon or any description thereof, and may do such things as they think fit to encourage any form of agricultural co-operation, research or education connected with the production or marketing of pigs or bacon and in particular (but without prejudice to the generality of the foregoing provisions) may contribute towards the funds of any institute, association or other body which shall provide the services known as "pig recording" and "litter testing" and any services for similar purposes.

36. Any registered producer who satisfies the Board or establishes by arbitration under 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.

37. Every registered producer shall contribute to the fund in respect of every hundredweight of bacon sold by him a contribution of such amount 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.

38. 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 the registered producers in proportion to the total sums respectively contributed by them to the fund under the last preceding paragraph.

39. Any person (other than a member of the Board or any person associated with the business of such member) 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 bacon.

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

#### *Part VII. Miscellaneous.*

40. 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.

41. Contributions under paragraph 7 of the Second Schedule to the Act shall be assessed proportionately to the total quantity of bacon (if any) sold by each contributor during the relevant period but shall not exceed six pence per hundredweight.

42. 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.

43. 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.

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### Modification of Enactments.

1933. No. 120.

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BY THE LORDS JUSTICES IN THE PRIVY COUNCIL OF NORTHERN  
IRELAND.

(Signed) WILLIAM MOORE.

H. B. ARMSTRONG.

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WHEREAS by section twenty of the Agricultural Marketing Act (Northern Ireland), 1933 (in this Order referred to as "the Northern Ireland Act"), it is provided, among other things, that in the event of any amendment being made, after the passing of the Northern Ireland Act, in the Bill for the United Kingdom Act (as in the Northern Ireland Act defined) with such effect as to render any provisions of the Northern Ireland Act inconsistent with the United Kingdom Act as passed, then in that event the Governor of Northern Ireland may, by Order in the Privy Council of Northern Ireland, modify the provisions of the Northern Ireland Act so far as may appear to the said Governor necessary for making those provisions consistent with the United Kingdom Act; and that any such Order in Council shall come into force upon the date specified therein in that behalf:

And whereas, after the passing of the Northern Ireland Act, amendments were made in the Bill for the United Kingdom Act with such effect as to render certain provisions, hereafter in this Order mentioned, of the Northern Ireland Act inconsistent with the United Kingdom Act as passed:

Now we, the Lords Justices for the government of Northern Ireland, by and with the advice of the Privy Council of Northern