

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations replace the Public Health (Prevention of Contamination of Food) Regulations (Northern Ireland) 1948 and the Public Health (Whale-meat) Regulations (Northern Ireland) 1950, which are being revoked.

The regulations contain a number of new provisions in regard to the hygienic handling of food at premises, vehicles and stalls, the hygienic transport and carrying of meat, and the construction and maintenance of premises, stalls, vehicles, etc., where food is handled. They do not apply to slaughterhouses and public cold stores or to a number of other types of premises, e.g., dock premises, public warehouses, carriers' premises and dairies, except in so far as activities such as staff canteens or retail shops, etc., may be carried on there.

The regulations lay down requirements in respect of (i) the cleanliness of food premises and stalls, etc., and of apparatus and equipment, (ii) the hygienic handling of food, (iii) the cleanliness of persons engaged in the handling of food and of their clothing, and the action to be taken where they suffer from, or are carriers of, certain infections, (iv) the construction of food premises, the repair and maintenance of food premises, stalls, vehicles, etc., and the facilities to be provided, and (v) the temperature at which certain foods that are particularly liable to transmit disease are to be kept in food premises.

The operation of certain of the regulations which may require alterations to premises or substantial changes in existing practices is made subject to a delay of six months and health authorities are empowered to give certificates of exemption from the requirements of certain regulations if through special circumstances compliance with the provisions concerned cannot reasonably be required. There is an appeal to a court of summary jurisdiction against the refusal or withdrawal of a certificate.

1964. No. 130

[C]

PROTECTION OF DEPOSITORS

Contents of Advertisements

REGULATIONS, DATED 1ST SEPTEMBER, 1964, MADE BY THE MINISTRY OF COMMERCE UNDER SECTION 3 OF THE PROTECTION OF DEPOSITORS ACT (NORTHERN IRELAND) 1964.

The Ministry of Commerce in exercise of the powers conferred upon it by sub-sections (1)(a) and (2) of section 3 of the Protection of Depositors Act (Northern Ireland) 1964(a) hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Protection of Depositors (Contents of Advertisements) Regulations (Northern Ireland) 1964, and shall come into operation on 7th October, 1964.

(a) 1964. c. 22 (N.I.).

Interpretation

2.—(1) References in these Regulations to “the company” shall be construed as references to the company with which deposits are invited to be made.

(2) In these Regulations “newspaper” includes any journal, magazine or other periodical.

(3) Without prejudice to the provisions of section 33 of the Interpretation Act (Northern Ireland) 1954(a) words and phrases used in these Regulations shall bear the same meanings as in the Companies Act (Northern Ireland) 1960(b).

Qualification for Exemption

3. An advertisement with respect to deposits to be made with a company incorporated in, or having an established place of business in, Northern Ireland (hereinafter referred to as “an advertisement”) shall, if it is to qualify for exemption under section 2(3) of the Protection of Depositors Act (Northern Ireland) 1964 (hereinafter referred to as “the Act”), comply with the following provisions of these Regulations.

Obligatory Statements

4. An advertisement shall state:

- (a) the name of the company;
- (b) subject to the provisions of Regulation 11, any other name under which the company carries on business; and
- (c) where the company is incorporated outside Northern Ireland, the country in which it is incorporated.

Contents of Advertisements

5.—(1) Subject to paragraph (3) an advertisement shall contain—

- (a) a general description of the business of the company, and where any business which the company proposes to carry on but does not yet carry on is mentioned, the advertisement shall distinguish between any business carried on and any business which the company proposes to carry on;
- (b) the names of the directors of the company;
- (c) the name of the company’s bankers; and
- (d) except in the case of an advertisement issued on or before the appointed day, the date of the balance sheet comprised in the last accounts delivered by the company to the Registrar and the Ministry of Commerce under the Act, or where no accounts have been so delivered, the date of the prospectus, statement in lieu or other document referred to in section 10 of the Act.

(2) For the purpose of this Regulation any business carried on or proposed to be carried on by a subsidiary of the company shall be treated as though it were a business carried on or proposed to be carried on (as the case may be) by the company.

(3) In relation to any advertisement issued in a newspaper, or by the display of a poster, or by the exhibition of a cinematograph film, or by way of sound broadcasting or television this Regulation applies only if the advertisement—

(a) 1954, c. 33,

(b) 1960, c. 22,

- (a) contains a reference to the rate of interest payable on deposits (whether the rate is specified or not) or to the amount or rate of any premium at which deposits are repayable; and
- (b) does not contain an indication that further particulars will be sent if application is made to an address specified in the advertisement.

Specification of Rate of Interest

6.—(1) Where an advertisement specifies the rate of interest payable on deposits the advertisement shall state—

- (a) the minimum amount, if any, which would have to be deposited in order to earn that rate of interest;
- (b) the minimum period of time, if any, during which a deposit of that amount would have to be retained by the company in order to earn that rate of interest; and
- (c) the minimum period of notice, if any, which would have to be given before repayment could be required of a deposit earning that rate of interest.

(2) Where an advertisement specifies more than one rate of interest payable on deposits the advertisement shall contain the information required by paragraph (1) in relation to each such rate of interest.

Reference to capital

7.—(1) Where an advertisement contains a reference to the amount of the authorised capital or issued capital of the company or of any holding company of the company that amount shall be described as such and the advertisement shall also state with equal prominence the amount of the paid-up capital, described as such, of the company or of that holding company, as the case may be.

(2) Where an advertisement contains a reference to the amount of the capital (whether authorised, issued or paid-up) of a holding company of the company the advertisement shall also state with equal prominence the amount of the paid-up capital of the company, described as such.

Reference to assets

8.—(1) Where an advertisement contains a reference to the amount of the company's assets the advertisement shall, unless that amount relates to the company's net assets and is so described, state with equal prominence the amount of the company's liabilities, described as such.

(2) Where an advertisement contains a reference to the amount of the assets of a holding company of the company—

- (a) the advertisement shall, unless that amount relates to the net assets of that holding company and is so described, state with equal prominence the amount of the liabilities of that holding company, described as such; and
- (b) the advertisement shall state with equal prominence the amount of the net assets of the company, described as such.

(3) Where an advertisement contains a reference to the amount of the assets of a group of which the company is a member—

- (a) the advertisement shall, unless that amount relates to the net assets of the group and is so described, state with equal prominence the amount of the liabilities of the group, described as such; and
- (b) the advertisement shall state with equal prominence the amount of the net assets of the company, described as such.

(4) Where an advertisement contains a reference to the amount of the capital and reserves of a holding company of the company, or of a group of which the company is a member, the advertisement shall also state with equal prominence the amount of the capital and reserves of the company, described as such.

(5) References in this Regulation to the amount of the net assets of a group and the amount of the liabilities of a group shall be construed as references to the amount of the net assets or liabilities respectively, which appear or would appear from a consolidated balance sheet dealing with the state of affairs of the holding company of the group and all its subsidiaries and complying with the requirements of section 146 of the Companies Act (Northern Ireland) 1960; and an advertisement shall not contain any reference to the amount of the assets or liabilities of a group other than references to the amount of such assets or liabilities as appear or would appear from such a consolidated balance sheet as aforesaid.

(6) Where by virtue of any provision of this Regulation an advertisement is required to state an amount as a consequence of the inclusion therein of any other amount that requirement shall be deemed to be complied with—

- (a) if the amount required to be stated is stated with the same degree of approximation as is the other amount; or
- (b) if the advertisement states that the amount of any liabilities required to be stated does not exceed an amount specified in the advertisement or that the amount of any assets or of any capital and reserves required to be stated exceeds an amount so specified.

(7) For the purposes of this Regulation—

- (a) “liabilities” includes provisions;
- (b) the net assets of a company or a group shall be taken to be the total assets less the liabilities;
- (c) a group means a company and all its subsidiaries.

Reference to security or guarantee

9. An advertisement shall not state or imply that the repayment of any deposits or the payment of any interest payable on deposits is guaranteed or secured unless the advertisement also states the nature and extent of the guarantee and the name of the guarantor, or the nature and extent of the security, as the case may be.

Reference to audited accounts, balance sheet or profit and loss account

10. An advertisement shall not refer to any accounts as audited accounts unless they are audited accounts within the meaning of section 27(1) of the Act; and an advertisement shall not refer to any balance sheet or profit and loss account as an audited balance sheet or profit and loss account unless it is comprised in any such audited accounts.

Reference to "bank" or "banker"

11. An advertisement shall not contain the words "bank" or "banker" or the word "banking", or any expression which includes any of those words, either in conjunction with the company's name or in describing its business or in any other manner which might reasonably be held to imply that the company carries on banking business:

Provided that nothing in this Regulation shall prohibit an advertisement from—

- (a) stating the name of any company;
- (b) stating the name under which any company carries on business, being a name registered under the Registration of Business Names Act 1916(a);
or
- (c) describing any company as a member of the Industrial Bankers' Association.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 1st day of September, 1964.

(L.S.)

H. Ruben,
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which are made under the Protection of Depositors Act (Northern Ireland) 1964, specify the matters which must, and also those which must not, be included in advertisements, if the company issuing such advertisements is to obtain a conditional exemption from the general prohibition of the issue of advertisements seeking deposits of money from the public. In particular, Regulation 11 restricts the use in such advertisements of the words "bank", "banker" or "banking".

1964. No. 131

[C]

PROTECTION OF DEPOSITORS

Exempted Advertisements

REGULATIONS, DATED 1ST SEPTEMBER, 1964, MADE BY THE MINISTRY OF COMMERCE UNDER SECTION 3 OF THE PROTECTION OF DEPOSITORS ACT (NORTHERN IRELAND) 1964.

The Ministry of Commerce in exercise of the powers conferred upon it by sub-sections (1)(b) and (2) of section 3 and sub-section (3) of section 25 of the Protection of Depositors Act (Northern Ireland) 1964(b) hereby makes the following Regulations:—

(a) 6 & 7 Geo. 5. c. 58.

(b) 1964. c. 22 (N.I.).