



# Sea Fish Industry Act 1938

## 1938 CHAPTER 30

### PART I

#### ORGANISATION OF WHITE FISH INDUSTRY

##### *Marketing schemes*

#### **15 Appointment and functions of consumers' committee and committee of investigation**

- (1) If a marketing scheme takes effect, the Ministers shall constitute two committees, of which one shall be a consumers' committee for the purposes of this Part of this Act and is hereafter in this Part of this Act referred to as " the consumers' committee ", and the other shall be a committee of investigation for the said purposes and is hereafter in this Part of this Act referred to as " the committee of investigation ".
- (2) The consumers' committee—
  - (a) shall consist of a chairman and not less than six other members, who shall be persons appointed by the Ministers to represent the interests of consumers of white fish, and
  - (b) shall be charged with the duty of considering and reporting to the Ministers on—
    - (i) the effect of any marketing scheme which is for the time being in force, on consumers of white fish, and
    - (ii) any complaints made to the committee as to the effect of any such scheme on consumers of white fish.
- (3) The committee of investigation—
  - (a) shall consist of a chairman and four other members appointed by the Ministers, and
  - (b) shall be charged with the duty, if the Ministers in any case so direct, of considering, and reporting to the Ministers on any report made by the consumers' committee and any complaint made to the Ministers as to the

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operation of any marketing scheme which, in the opinion of the Ministers, could not properly be considered by the consumers' committee under the last preceding subsection.

- (4) For the purpose of enabling either of the committees appointed under this section to consider any matter which it is its duty under this section to consider, the board administering the scheme to which the matter relates shall furnish to the committee such accounts and other information relating to the affairs of the board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to the matter in such manner as may be prescribed by regulations of the Ministers.
- (5) If the committee of investigation reports to the Ministers that any provision of a marketing scheme or any act or omission of a board administering such a scheme is contrary to the interests of consumers of white fish, or that any such provision, act or omission is contrary to the interests of any persons affected by the scheme and is not in the public interest, the Ministers, if they think fit so to do after considering the report,—
- (a) may by order make such amendments in the scheme as they consider necessary or expedient for the purpose of rectifying the matter;
  - (b) may by order revoke the scheme;
  - (c) in the event of the matter being one which it is within the power of the board administering the scheme to rectify, may by order direct the board to take such steps to rectify the matter as may be specified in the order;

and it shall be the duty of the board administering such a scheme to comply with any directions applying to that board which are contained in an order under paragraph (c) of this subsection :

Provided that—

- (i) every order under paragraph (a) or paragraph (c) of this subsection shall, as soon as may be after it is made, be laid before Parliament, and if either House of Parliament within the next twenty-eight days on which that House has sat after any such order is laid before it, resolves that the order be annulled, it shall thereupon become void, without prejudice, however, to anything previously done thereunder or to the making of a new order;
  - (ii) an order under paragraph (b) of this subsection shall not take effect unless and until it has been approved by a resolution of each House of Parliament; and
  - (iii) before taking any action under this subsection the Ministers shall give the board administering the scheme notice of the action which they propose to take, and shall consider any representations made by the board within fourteen days after the date of the notice.
- (6) In considering for the purpose of this section whether any person represents the interests of consumers of white fish, or whether any provision of a marketing scheme or any act or omission of the board administering such a scheme is contrary to the interests of consumers of white fish, regard shall be had to the interests of persons who individually or collectively purchase white fish for their own consumption or use, and not to the interests of persons who purchase white fish for the purpose of any trade or industry carried on by them.