1968. No. 135 **[C]**

AGRICULTURAL MARKETING

Pigs

ORDER, DATED 4TH JUNE 1968, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 2(4) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND) 1964(a).

The Ministry of Agriculture after such consultation as is required and in exercise of the powers conferred by Section 2(4) of the Agricultural Marketing Act (Northern Ireland) 1964 hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Pigs Marketing Scheme (Amendment) Order (Northern Ireland) 1968 and shall come into operation on the 1st July, 1968.

Amendment of Scheme

2. The Pigs Marketing Scheme (Northern Ireland) 1933(b) (hereinafter referred to as "the Scheme") is hereby amended as follows:—

(1) For Article 1, the following shall be substituted:—

"**1.** This Scheme may be cited as the Pigs Marketing Scheme (Northern Ireland) 1933".

(2) For Article 2 the following shall be substituted:—

"**2.** In this Scheme:—

"the Act" means the Agricultural Marketing Act (Northern Ireland) 1964;

"bacon pigs" means pigs weighing not less than 170 lb. avoirdupois liveweight or 125 lb. avoirdupois deadweight, other than sows and boars which are required to be licensed under the Live Stock Breeding Act (Northern Ireland) 1922(c);

"the Board" means the Pigs Marketing Board (Northern Ireland);

"deadweight" means the weight of a dressed carcase (after the animal heat has departed) without the hair, liver, melt, heart, lungs (i.e., the pluck or race), guts, caul and gut fat, genito-urinary organs (excluding kidneys), but including the skin, the head with the tongue, the ear roots, the eyes, the kidneys, kidney fat, the tender loins, the fleck or flare, the skirt, the tail, the backbone and the feet;

"gilt" means a female pig which has not been used for breeding;

"pigs" means pigs produced in Northern Ireland and includes carcases of pigs;

"producer" means a person who keeps pigs for the purpose of selling them in an improved condition;

"registered" means registered under this Scheme;

"Secretary" includes any person for the time being authorised by the Board to act as their Secretary;

(a) 1964. c. 13 (N.I.).
(b) S.R. & O. (N.I.) 1933, No. 93.
(c) 12 & 13 Geo. 5 c. 12 (N.I.).

"sows" means female pigs which have farrowed or which have reached a stage of pregnancy which will render the carcases unsuitable for bacon or for the retail pork trade;

"Subsidiary" has the meaning assigned to it by Section 148 of the Companies Act (Northern Ireland) 1960(**d**).

(3) Article 3 is hereby revoked.

(4) For Article 4 the following, which shall be renumbered 3, shall be substituted:—

"**3.** The Board to administer this Scheme shall be a body corporate".

(5) For Articles 5 and 6 the following, which shall be renumbered 4, shall be substituted:—

"**4.**—(1) The elected members of the Board holding office on 1st July, 1968, shall continue to hold office until the 30th June, 1969.

(2) In addition to the elected members, the Board shall include three appointed members, that is to say members who shall be appointed by and who may be removed by the Minister.

(3) The Board shall, as from the 1st July, 1969, consist of thirteen members being three appointed members; the then existing members for the administrative Counties of Antrim, Armagh and Tyrone; one member for each of the administrative Counties of Down, Fermanagh and Londonderry; and one member, who shall be known as a Regional member.

(4) The Board shall, as from the 1st July, 1971, consist of eleven members, being three appointed members; the existing members as at that date for the administrative Counties of Down, Fermanagh and Londonderry; one member for each of the administrative Counties of Antrim, Armagh and Tyrone; the Regional member elected in 1969; and one other Regional member.

(5) An election of County members for the administrative Counties of Down, Fermanagh and Londonderry and of one Regional member shall be held in 1969 and in every fourth calendar year thereafter, and an election of County members for the administrative Counties of Antrim, Armagh and Tyrone and of one Regional member shall be held in 1971 and in every fourth calendar year thereafter. Every election of members shall be held in June. Every elected member shall, subject to the provision of this Scheme, take office on the 1st July following his election and shall hold office until the 30th June in the year in which the next election for his seat takes place. Provided that an election may be held at any time to fill a casual vacancy as prescribed in Article 6(1).

(6) Each County member shall be elected by the registered producers residing in the administrative county for which the election is being held; and Regional members shall be elected by the general body of registered producers in Northern Ireland.

(7) Members elected in respect of administrative counties shall be known as County members and for the purpose of the election of County members of the Board:—

(*a*) that portion of the County Borough of Belfast which is to the west of the River Lagan shall be deemed to be part of the administrative County of Antrim;

(**d**) 1960. c. 22.

(*b*) that portion of the County Borough of Belfast which is to the east of the River Lagan shall be deemed to be part of the administrative County of Down; and

(*c*) the County Borough of Londonderry shall be deemed to be part of the administrative County of Londonderry."

(6) Article 7 is hereby revoked.

(7) For Article 8 the following, which shall be renumbered Article 5, shall be substituted:—

"**5.**—(1) 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 had 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 23 of the Act; or

(*f*) if the Board, by resolution, declare that he has failed without reasonable excuse to disclose information which he is required by Article 16(3) of this Scheme to disclose.

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

(2) A member of the Board shall not be eligible for employment by the Board under a contract of service."

(8) For Article 9 the following, which shall be renumbered 6, shall be substituted:—

"**6.**—(1) If an elected member of the Board dies or ceases to hold office under Article 5, or if no candidate has been nominated for a vacancy to be filled at an election held under Article 22, the Ministry shall either instruct the Board to co-opt a person in his place or shall hold within a period of six months an election as provided in Part IV, subject to any necessary alterations in the procedure laid down in that Part, to fill the vacancy, provided that no action shall be required to fill any such vacancy which would not exceed six months.

(2) Any person so co-opted or elected shall, unless he dies or ceases to hold office as aforesaid, hold office until the 30th June in the year in which the next election takes place for the seat to which he has been co-opted or elected."

(9) For Article 10 the following, which shall be renumbered 8, shall be substituted:—

"**8.** 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. A committee shall not hold office beyond the 30th June in the year in which the next election (other than an election to fill a casual vacancy) takes place and shall report their proceedings to, and obey any direction of the Board."

(10) For Article 11 the following, which shall be renumbered 9, shall be substituted:—

"**9.**—(1) The quorum of the Board and of any committee thereof shall be such as the Board, may from time to time determine provided that in the case of the Board the quorum shall, unless otherwise determined, be five, and shall not in any event be less than that number and in the case of any committee shall not be less than three.

(2) In each case the quorum shall include at least one of the members appointed by the Minister.

(3) 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. The Secretary, on the request of any three members of the Board or of the chairman, shall convene a meeting of the Board. A meeting shall be convened by notice in writing to all the members."

(11) Article 12 shall be renumbered 10.

(12) In Article 13, which shall be renumbered 11, after the words "A copy of the minutes of each meeting of the Board" there shall be added the words "and of each committee thereof, shall be sent to the Ministry within fourteen days of such meeting together with a copy of each document which is discussed or tabled at the meeting and which appears to the Board to be necessary for a proper understanding of the minutes or which the Ministry may subsequently request.", and the words "or of any committee thereof, shall be sent to the Ministry within fourteen days of such meeting." shall be deleted.

(13) In Article 14, which shall be renumbered 12, the words "or of the executive Committee of the Board" shall be deleted.

(14) Article 15 shall be renumbered 13.

(15) For Article 16 the following, which shall be renumbered 7 and placed in consecutive order, shall be substituted:—

"**7.**—(1) The Board shall elect from among their members a chairman and vice-chairman who shall (provided they remain members of the Board) hold office for one year and shall be eligible for re-election as chairman and vice-chairman.

(2) The chairman shall not be eligible for appointment as a director of the company set up under Article 25(1) or of any company in which the Board has a financial interest engaged in the slaughter of pigs or the production of any of the commodities specified in Article 31(2)."

(16) For Article 17 the following, which shall be renumbered 14, shall be substituted:—

"**14.** The Board—

(1) may employ such officers and servants as they think fit; provided that—

(*a*) the number, grading, remuneration, terms and conditions of service of all officers and servants shall be subject to the approval of the Ministry except as regards the number of industrial workers and the grading, remuneration and terms and conditions of service of industrial workers where these are determined by or related to the decisions of an appropriate statutory wages body or Joint Industrial Council;

(*b*) the appointment and terms of employment of every officer and servant employed by the Board shall be subject to the approval of the Ministry except as regards officers and servants whose salary or remuneration does not exceed the maximum salary of the Board's grade of Executive Officer Grade II.

(2) 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."

(17) Article 18 shall be renumbered 15.—(1); the words "(if any)" shall be deleted and the following paragraph added:—

"(2) A Board member shall not be entitled to receive any fees or any other remuneration from or to have any financial interest in any company in which the Board or the company set up under Article 25(1) has a financial interest. Such fees or other remuneration which would, except for this paragraph, have been payable by a company as aforesaid to a member of the Board, shall be paid by the company direct to the Board or to the company set up under Article 25(1) as appropriate."

(18) In Article 19, which shall be renumbered 16, the paragraphs lettered consecutively (a) to (c) shall be numbered (1) to (3) and the sub-paragraphs numbered (i) to (ii) in paragraph (c) (now paragraph (3)) shall be lettered (a) and (b) respectively and for paragraph (d) the following which shall be numbered (4) shall be substituted:—

"(4) 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:

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

Provided further that the provisions contained in this Article as to disclosure and voting shall not apply to a member of the Board whose interest in terms of this Article arises by reason only that he is a director of a company in which the Board or the company set up under Article 25(1) has a financial interest."

(19) For Article 20 the following, which shall be renumbered 17, shall be substituted:—

"**17.**—(1) The Board shall keep a register of producers and every producer shall, on application to the Board and having satisfied the Board that he is a producer, be entitled to be registered therein, subject as provided in this Part."

The following paragraph shall be added thereafter:—

"(2) For the purposes of Part IV and Article 37 two or more persons jointly carrying on a farm business or a corporation aggregate shall be regarded as constituting together a single registered producer."

(20) In Article 21, which shall be renumbered 18, the words ", other than Saturdays," shall be deleted and the following added after the words "free of charge".

"The Board shall be under no liability in respect of error or omission in any such copy or for any delay in supplying any such copy, nor shall any election be invalid because of any such error, omission or delay."

(21) In Article 22 the following, which shall be renumbered 19, shall be substituted:—

"**19.** Any person who produces only pigs other than bacon pigs shall be exempt from registration."