

- (2) No person shall add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for sale for human consumption.
- (3) No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, for human consumption any milk to which any addition has been made in contravention of the foregoing provisions of this section.
- (4) No person shall sell, or offer or expose for sale, under the designation of milk any liquid in the making of which any separated milk, or any dried or condensed milk, has been used.
- (5) A person who contravenes any of the provisions of this section shall be guilty of an offence.
- (6) For the purposes of subsection (3) of this section, a person shall be deemed to retain the possession of milk which is deposited in any place for collection until it is actually collected; but nothing in this subsection shall be taken as prejudicing the defence available under subsection (4) of section ninety-four of this Act to a person charged with an offence in respect of a sample of milk taken after the milk has left his possession.

33. The Ministers may make regulations for determining what Presumptive deficiency in any of the normal constituents of milk, or what evidence of proportion of water, in a sample shall for the purposes of this Act raise a presumption, until the contrary is proved, that the article sampled is not genuine milk.

34. The functions of veterinary inspectors under any enactments relating to milk or to dairies shall, in accordance with directions given by the Minister, be discharged by veterinary inspectors appointed for the purpose by him under section five of the Board of Agriculture Act, 1889.

Special designations of milk, and their use

35.—(1) Provision may be made by regulations, to be made Milk (Special Designation) Regulations, to be made Milk (Special Designation) Regulations, by the Ministers and called "Milk (Special Designation) Regulations",—

(a) for prescribing, in relation to milk of any description, such designation (hereinafter referred to as a "special designation") as the Ministers consider appropriate, and

(b) for the granting of licences to producers and sellers of milk authorising the use of a special designation, and for prescribing the periods for which and the conditions subject to which licences, or licences of any particular class, are to be granted under the regulations.

(2) Provision made by such regulations for the granting of licences authorising the use of a special designation shall be for the granting thereof by the following, that is to say—

- (a) as respects licences authorising the use of a special designation of raw milk by the producer of the milk, the Minister;
- (b) as respects other licences, either the Minister or county councils or local authorities, as may be provided by the regulations.

(3) The provisions of Part I of the Fourth Schedule to this Act shall have effect with respect to the making by such regulations of provision for—

- (a) the revocation or suspension of licences authorising the use of a special designation on the ground of a breach of condition of the licence;
- (b) procedure in connection with decisions to revoke or suspend such licences or to refuse grants of such licences.

(4) The conditions prescribed by such regulations subject to which licences may be granted may include conditions as to the payment of fees.

Restrictions
on use of
special
designations.

36.—(1) No person shall for the purpose of the sale or advertisement of any milk use a special designation in any manner calculated to suggest that it refers to that milk, unless he holds a licence authorising the use of that designation in connection with that milk:

Provided that, for the purpose of a sale or advertisement of milk as, or as part of, a meal or refreshments, a special designation may be used by a person who does not hold a licence authorising the use of that designation in connection with the milk, if the milk is milk bought by him and that designation was used for the purpose of the sale thereof to him.

(2) No person shall for the purpose of the sale or advertisement of any milk refer to that milk by any such description, not being a special designation, as is calculated falsely to suggest—

- (a) that there is in force a licence authorising the use of a special designation in connection with that milk, or
- (b) that the milk is tested, approved or graded by any competent person, or
- (c) that the cows from which the milk is derived are free from the infection of tuberculosis or of any other disease.

(3) A person who contravenes any of the foregoing provisions of this section shall be guilty of an offence.

(4) In any proceedings taken by virtue of subsection (2) of this section it shall rest on the defendant to prove the truth of any suggestion which, in the opinion of the court, his acts or conduct, as proved by the prosecution, are or is calculated to convey.

(5) Where there has been a breach of a condition subject to which a licence authorising the use of a special designation is granted, but the licence has not been revoked or suspended, the breach shall not be treated as rendering the use of the designation unauthorised for any of the purposes of this section or of any other provision of this Act.

(6) Section forty-six of this Act shall apply for the interpretation of the references in this section to selling milk, but as if the definition of milk in that section were omitted.

Compulsory use of special designations in specified areas, and provisions as to licences for specified areas

37.—(1) Subject to the provisions of this Part of this Act, the Compulsory use of a special designation shall be obligatory for the purpose of all sales of milk by retail for human consumption (other than catering sales) where the place of sale is in an area in which this subsection is in operation by virtue of the subsequent provisions of this Part of this Act in that behalf.

(2) An area in which the foregoing subsection is in operation as aforesaid is in this Part of this Act, and in the Fourth Schedule thereto, referred to as "a specified area".

(3) The use of a special designation shall be obligatory also for the purpose of a sale of milk by retail for human consumption (other than a catering sale), notwithstanding that the place of sale is not in a specified area, if the milk is delivered from an establishment (whether in or outside a specified area) where there is carried on a business of selling milk which includes any sales for the purpose of which the use of a special designation is obligatory by virtue of subsection (1) of this section.

(4) Subsections (1) and (3) of this section shall not apply to the selling of milk as therein mentioned by a producer of milk from cows to persons employed by him in or in connection with such production or employed by him otherwise in agriculture, if he does not engage in any other selling of milk as mentioned in those subsections.

(5) Any person who sells milk without the use of a special designation under a sale for the purpose of which the use of a special designation is obligatory by virtue of this section shall be guilty of an offence.

(6) Section forty-six of this Act shall apply for the interpretation of this and the following eight sections.

Compulsory use of special designations for catering.

38.—(1) The provisions of this section shall apply to catering sales, and to sales of milk to a person who carries on a business which consists in or comprises making catering sales (in this section referred to as “a caterer”).

(2) Subject to the provisions of this Part of this Act, a catering sale made in a specified area—

(a) shall be lawful (unless it is for any reason unlawful apart from this subsection) if the caterer bought the milk under a sale for the purpose of which a special designation was used, or if he holds a licence authorising him to use a special designation in connection with the milk, whether the designation is used for the purpose of the catering sale or not, but

(b) otherwise shall be unlawful.

(3) Subject to the provisions of this Part of this Act, on a sale of milk to a caterer, being a sale for the purpose of which the use of a special designation would be obligatory by virtue of section thirty-seven of this Act if it were a sale by retail, the use of such a designation shall be obligatory, except where—

(a) the caterer buys the milk with a view to subjecting it to a process to which milk is required to be subjected as a condition of the use of a special designation in connection therewith, and he is the holder of a licence authorising him to use that designation, or

(b) the caterer buys the milk for the purposes of a business of his as a milk dealer or a manufacturer of milk products other than his business as a caterer.

(4) Any person who makes a catering sale which is unlawful by virtue of subsection (2) of this section, or who sells milk without the use of a special designation under a sale for the purpose of which the use of a special designation is obligatory by virtue of subsection (3) of this section, shall be guilty of an offence:

Provided that a person shall not be guilty of an offence by virtue of subsection (3) of this section if at the time of the sale

in question he had reasonable cause to believe that the conditions specified in paragraph (a) or (b) of that subsection were satisfied as to that sale, or that the buyer was not a caterer.

39.—(1) Notwithstanding anything in subsection (1) or subsection (3) of section thirty-seven of this Act, or in subsection (3) of section thirty-eight thereof, selling milk as therein mentioned without the use of a special designation shall be permissible if done with the consent of the Minister.

Power of Minister to dispense with use of special designations.

(2) The Minister may give consents for the purposes of this section, either generally as respects selling milk as mentioned in the said subsections or restricted to a particular retailer or establishment or otherwise, and either unconditionally or subject to conditions, as may appear to him to be requisite in order to meet any circumstances in which use of a special designation which would be obligatory by virtue of those subsections apart from the consent appears to him to be for the time being not reasonably practicable.

(3) A catering sale made in a specified area shall not be unlawful by virtue of subsection (2) of section thirty-eight of this Act if the milk was sold to the caterer with consent given by the Minister for the purposes of this section.

40. The special designation “Accredited” shall not be Abolition of included among the designations which may be used in satisfaction of an obligation to use a special designation subsisting “Accredited” by virtue of this Act.

41.—(1) Subject to the following subsection, subsection (1) of section thirty-seven of this Act shall be in operation in any area in which, immediately before the commencement of this Act, subsection (1) of section nineteen of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, was in operation by virtue of an order made under section twenty-three of that Act.

(2) The Ministers may at any time order that subsection (1) of section thirty-seven of this Act shall come into operation in any area in which it is not then in operation, or shall cease to be in operation in any area in which it is then in operation.

(3) Before making an order under this section the Ministers shall consult with such representative organisations as appear to them substantially to represent the interests concerned with the purposes of the order.

(4) For the purposes of this Part of this Act—

(a) if a contract of sale of milk is made in one place and the milk is delivered under the contract in another place,

the place of the sale shall, except in a case falling within paragraph (b) of this subsection, be taken to be the place where the milk is so delivered;

(b) if a contract of sale of milk is made in one place and the milk is delivered under the contract to a carrier for transport to another place, the place of the sale shall be taken to be that other place.

Power of Minister to provide facilities for treatment of milk.

42.—(1) The Minister may install, maintain and operate apparatus for the subjection of milk to any process to which it is required to be subjected as a condition of the use of a special designation in connection therewith, and may provide any other facilities for that purpose, in any case in which it appears to him, as respects any area which is a specified area, or an area as to which the Ministers propose to make an order bringing subsection (1) of section thirty-seven of this Act into operation, that facilities for the application of such treatment sufficient to provide for supplies of milk of that designation in that area in requisite quantities are not available and are not likely otherwise to become available.

(2) Where the Minister provides facilities under this section, he may either buy the milk to be treated and re-sell it, otherwise than by retail or to a caterer for the purposes of his business as such, after treatment or apply the treatment to milk of others.

(3) The Minister may make arrangements with local authorities or other persons for the doing, on his behalf and at his expense, of things which he is authorised by this section to do, and it shall be within the powers of local authorities to carry out arrangements so made.

(4) In this section the expression "local authority" means a local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939.

Breach of condition of retailer's licence.

43.—(1) In the event of a breach of any condition to which this section applies of a licence held by a retailer for a specified area, the holder of the licence shall, subject to the provisions of the next following section, be guilty of an offence under this section.

(2) The conditions to which this section applies are conditions as to any such matters as are specified in the Fifth Schedule to this Act.

(3) Milk (Special Designation) Regulations shall specify the authorities, whether local authorities or food and drugs authorities, by whom the provisions of this section are to be enforced as respects licences other than licences authorising the use of a special designation in relation to raw milk by the producer thereof, or authorising the use of a special designation by a local authority.

(4) In this section the expression "local authority" means a local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939.

44.—(1) Such a breach of condition as is mentioned in the last Restriction foregoing section, constituted by an act or omission for which the holder of the licence is liable to any punishment imposed by or under s. 43. under any enactment other than that section, shall not render the holder of the licence guilty of an offence under that section.

(2) Such a breach of condition as is mentioned in the last foregoing section shall not render the holder of the licence guilty of an offence under the last foregoing section unless it was the later, or a later, of two or more such breaches, occurring within a period of twelve months, of conditions either of that licence or of that licence and a former licence by way of renewal whereof that licence was granted, and was committed either—

(a) after the licensing authority had given him notice in writing as to an earlier of those two or more breaches informing him of his being alleged to have committed it, and warning him of the liability to prosecution imposed by the last foregoing section, or

(b) after he had been convicted of an offence under that section by virtue of an earlier of those two or more breaches.

(3) In the case of any prosecution in respect of such a breach of condition as is mentioned in the last foregoing section which would otherwise render the holder of the licence guilty of an offence under that section, it shall be a defence for him to prove the following matters (either as to that breach, or as to the earlier breach relied on for the purpose of subsection (2) of this section, unless it is one by virtue of which he has been convicted of such an offence), that is to say—

(a) that neither he nor any servant or agent of his did, or knew of the doing of, any act that constituted the breach or can reasonably be regarded as having been the cause or amongst the causes of it, or omitted to do, or knew of an omission to do, any act the omission whereof constituted the breach or the doing whereof can reasonably be regarded as a precaution that would have prevented it; and

(b) if the breach was in connection with milk that had been sold to him, or had been delivered to him after being subjected to a process to which it was required to be subjected as a condition of the use of the special designation to which his licence related, that that designation was used for the purpose of the sale to

dent, supplying it or them, in the course of any business otherwise than under such arrangements; and references to sales and contracts of sale and sellers shall be construed accordingly;

“selling milk by retail” means selling it—

(a) to any person other than a milk dealer (that is to say, a person who carries on a business which consists in or comprises the selling of milk) or a manufacturer of milk products (that is to say, a person who carries on a business which consists in or comprises the making of things made from milk or of which milk is an ingredient), or

(b) to such a dealer or manufacturer otherwise than for the purposes of his business as such;

“specified area” has the meaning assigned to it by subsection (2) of section thirty-seven of this Act;

“supplying under arrangements for free supply” means, in relation to any milk, supplying it, free from any payments made or to be made by the person to whom it is supplied, under arrangements made in exercise of powers in that behalf conferred by any Regulation in the Defence (General) Regulations, 1939, or by section forty-nine or subsection (2) of section seventy-eight of the Education Act, 1944; and references to a person's buying milk include references to his having it supplied to him under such arrangements.

Cream substitutes

47.—(1) Subject to the provisions of this section, no person shall sell, or offer or expose for sale, for human consumption—
(a) any substance which resembles cream in appearance, but is not cream, or
(b) any article of food containing such a substance, under a description or designation which includes the word “cream” (whether or not as part of a composite word).

Misuse of designation—“cream” in relation to cream substitutes.

(2) The foregoing subsection shall not apply to the sale, or offer or exposure for sale, of any substance being reconstituted or imitation cream as defined by this section, or of any article containing such a substance, under a description or designation which identifies the substance as such, or to the sale, or offer or exposure for sale, of any substance under a description or designation which indicates that the substance is not for use as, or as a substitute for, cream.

him or in connection with the delivery to him, as the case may be, and was so used without any breach, discoverable by the exercise of reasonable diligence on the part of himself or any servant or agent of his, of any condition, relating to receptacles, to closing, to fastening or to marking, of a licence to use that designation held by the person who sold the milk to him or subjected it to the process, as the case may be.

45. Part II of the Fourth Schedule to this Act shall have effect as respects the application of Part I of that Schedule to a licence held by a retailer for a specified area.

46. In sections thirty-seven to forty-five of this Act, in this section and in the Fourth and Fifth Schedules to this Act, except where the context otherwise requires—

“business” includes the business of a hospital, school or other institution whose selling of milk is incidental only to the rendering of the health, education or other services rendered by the institution;

“catering sale” means a sale of milk, or of things made from milk or of which milk is an ingredient, as, or as part of, a meal or refreshments;

“licence held by a retailer for a specified area” means a licence authorising the use of a special designation held by a person carrying on a business which includes any sales which are sales for the purpose of which the use of a special designation is obligatory by virtue of this Part of this Act and are of milk in relation to which that licence authorises the use of a special designation;

“licensing authority” means, in relation to a grant of a licence authorising the use of a special designation, the authority having power to grant the licence by virtue of Milk (Special Designation) Regulations, and, in relation to such a licence which has been granted, the authority who would for the time being have power by virtue of such regulations as aforesaid to grant a licence by way of renewal thereof if it had expired;

“milk” means cows' milk, excluding not only condensed milk and dried milk, but also cream and separated, skimmed and evaporated milk, and butter milk;

“selling” means selling in the course of a business, and includes, in relation to milk, supplying it under arrangements for free supply, and, in relation to milk and things made from milk or of which milk is an ingre-

(3) In this section "reconstituted cream" means a substance which, not being cream, resembles cream in appearance and contains no ingredient not derived from milk, except—

- (a) water, or
 - (b) ingredients (not added fraudulently to increase bulk, weight or measure, or conceal inferior quality) which may lawfully be contained in a substance sold for human consumption as cream;
- and "imitation cream" means a substance which, not being cream or reconstituted cream, resembles cream in appearance and is produced by emulsifying edible oils or fats with water, either by themselves or with other substances which are neither prohibited by regulations made for the purposes of this section under section four of this Act, nor added in quantities so prohibited.

(4) For the purposes of this section, the description or designation under which a substance or article is sold, or offered or exposed for sale, shall be deemed to include the word "cream" if it included any other word (composite or otherwise) which is calculated to lead a purchaser to suppose that the substance is or, as the case may be, the article contains either cream or a substance for use as cream.

(5) A person who contravenes subsection (1) of this section shall be guilty of an offence.

Extension to reconstituted cream of provisions relating to cream.

48. Save as otherwise expressly provided, such of the following provisions as apply in relation to cream, that is to say—

- (a) any provision of this Part of this Act;
- (b) any provisions of Milk and Dairies Regulations, other than provisions relating to the registration of dairymen and dairies; and
- (c) any provision of Milk (Special Designation) Regulations, shall also apply in relation to reconstituted cream as defined by the last foregoing section.

PART III

PROVISION AND REGULATION OF MARKETS

49.—(1) Subject to the provisions of this section, the council of a borough or urban district and, with the consent of the Minister of Housing and Local Government, the council of a rural district may—

- (a) establish a market within their district;
- (b) acquire by agreement (but not otherwise), either by purchase or on lease, the whole or any part of an existing market undertaking within their district, and

any rights enjoyed by any person within their district in respect of a market and of tolls, and, in either case, may provide—

- (i) a market place with convenient approaches thereto;
 - (ii) a market house and other buildings convenient for the holding of a market.
- (2) In this Part of this Act the expression "market authority" means a local authority who have established or acquired a market under this section, or under section forty-four of the Food and Drugs Act, 1938, or under any corresponding enactment repealed by that Act, or by the Public Health Act, 1875.
- (3) Without the consent of the person concerned, no market shall be established in pursuance of this section so as to interfere with any rights, powers or privileges enjoyed within the district in respect of a market by any person:

Provided that, for the purposes of this subsection, another local authority shall not be deemed to be enjoying any rights, powers or privileges within the district by reason only of the fact that they have established a market within their own district either under paragraph (a) of subsection (1) of this section or under paragraph (i) of subsection (1) of section forty-four of the Food and Drugs Act, 1938, or (otherwise than by acquisition of a then existing market) under any corresponding provision repealed by the said Act of 1938 or the Public Health Act, 1875.

50. The owner of a market undertaking, or of any rights in Power of respect of a market and of tolls, whether established under, or owner of enjoyed by virtue of, statutory powers or not, may sell or lease market to sell to a local authority the whole or any part of his market under- it to local authority. taking or rights, but subject to all liabilities attaching thereto:

Provided that a sale by a market company under this section must be authorised,—

- (a) if the company is a company within the meaning of the Companies Act, 1948, by a special resolution of the members passed in the manner provided in Part IV of that Act,
- (b) if the company is not such a company, by a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted.

51. A market authority may, with the approval of the Minister Markets days of Housing and Local Government, appoint the days on which, and hours, and the hours during which, markets are to be held.

52.—(1) The Minister of Housing and Local Government may, on the application of a market authority, approve for the purposes of the market a table of stallages, tolls and charges, and the authority may demand in respect of the market, and in respect of the weighing and measuring of articles and vehicles, either the stallages, tolls and charges approved by the said Minister, or such less stallages, tolls and charges as they may from time to time determine.

(2) A market authority who provide a weighing machine for weighing cattle, sheep or swine may demand in respect of the weighing of such animals charges not exceeding the following, that is to say—

For every head of cattle	6d.
For every five (or a less number) of sheep or swine	3d.

or such other charges as the Minister of Housing and Local Government may from time to time approve.

(3) The authority shall keep exhibited in conspicuous places in the market place, and in any market house, tables stating in large and legibly printed characters the several stallages, tolls and charges payable under this Part of this Act, and shall keep so much of the tables as relates to charges payable in respect of the weighing of vehicles, or, as the case may be, in respect of the weighing of animals, conspicuously exhibited at every weighing machine provided by them in connection with the market for the purpose in question.

(4) A person who demands or accepts a stallage, toll or charge greater than that for the time being authorised shall be liable to a fine not exceeding forty shillings.

(5) Nothing in this section shall apply in relation to rents charged by a market authority in respect of the letting of accommodation within their market for any period longer than one week.

53.—(1) Subject to the provisions of this section, stallages, tolls and charges payable in respect of the market shall be paid from time to time on demand to an authorised market officer.

(2) Charges payable in respect of the weighing or measuring of articles, vehicles or animals shall be paid to an authorised market officer by the persons bringing the articles, vehicles or animals to be weighed or measured before they are weighed or measured.

(3) Tolls payable in respect of animals brought to the market for sale shall be payable, and may be demanded by an authorised market officer, so soon as the animals in respect of which they

are payable are brought into the market place and before they are put into any pen, or tied up in the market place; but further tolls shall be payable and may be demanded in respect of any of the animals which are not removed within one hour after the close of the market.

(4) In this Part of this Act, the expression "authorised market officer" means an officer of a market authority specially authorised by them to collect tolls, stallages, and other charges in their market.

54.—(1) If a person liable to pay any stallage, toll or charge authorised to be taken under this Part of this Act does not pay stallages, etc. it when lawfully demanded, the market authority may, by any authorised market officer, levy it by distress of all or any of the animals, poultry or other articles in respect of which the stallage, toll or charge is payable, or of any other animals, poultry or articles in the market belonging to, or in charge of, the person liable.

(2) Any such stallage, toll or charge may also be recovered either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

55.—(1) Any person, other than a licensed hawk or certified pedlar, who on a market day and during market hours sells or exposes for sale in any place within the district of the market authority and within such distance from the market as the authority may by byelaw declare, except in his own dwelling place or shop or in, or at the door of, any premises to a person resident therein, any articles specified in the byelaw, being articles commonly sold in the market, shall be liable to a fine not exceeding forty shillings.

Certain sales to be prohibited during market hours.

(2) The market authority shall keep exhibited in conspicuous positions in the vicinity of the market notices stating the effect of any byelaw made under this section.

56.—(1) A market authority shall provide sufficient scales, Provision and weights, measures and weighing machines for weighing or verification of measuring articles sold in the market and vehicles in which weighing articles are brought for sale in the market, and shall appoint officers to attend to the weighing and measuring of such articles and vehicles.

(2) A market authority in whose market cattle, sheep or swine are sold shall, unless there is in force an order of the Minister of Agriculture, Fisheries and Food declaring that the circumstances are such as to render compliance with this subsection unnecessary, provide to the satisfaction of that Minister one or more weighing machines adapted for weighing such animals and appoint officers to attend to the weighing of such animals.

A weighing machine provided under this subsection shall for the purposes of section one of the Markets and Fairs (Weighing of Cattle) Act, 1926, be deemed to have been provided for the purpose of complying with the provisions of the principal Act therein referred to.

(3) The authority shall cause all such scales, weights, measures and weighing machines to be verified at least twice in every year by the inspector of weights and measures acting for their district or the area comprising it.

Weighting of articles and vehicles.

57.—(1) A person selling, or offering for sale, any articles in the market shall, if required so to do by the buyer, cause them to be weighed or measured by the scales and weights or measures provided by the market authority and, if he refuses to do so, shall be liable to a fine not exceeding forty shillings.

(2) The person in charge of any vehicle in which articles are brought for sale in the market shall, on the request of the buyer or seller of the articles, or his agent, take the vehicle with its load to the nearest weighing machine provided by the market authority in connection with the market and permit it to be weighed and, after its load has been discharged, shall, on such request as aforesaid, take it to the weighing machine so provided which is nearest to the place of discharge, and permit it to be re-weighed without its load.

(3) If the person in charge of any such vehicle as aforesaid refuses to comply with the provisions of the last foregoing subsection, or refuses to assist in the weighing of the vehicle, he shall be liable to a fine not exceeding forty shillings.

Information as to number, weight, etc., of animals and articles.

58. The person in charge of any vehicle in which, and any other person by whom, animals, poultry or other articles are brought for sale in the market shall give to any authorised market officer such information as to their number and kind or, in the case of articles on which tolls are chargeable by reference to weight, as to their weight, as that officer may call for.

Punishment for refusal to weigh.

59. If an officer appointed by a market authority to attend to the weighing or measuring of articles sold in the market, or of vehicles bringing articles for sale in the market, or of animals brought for sale in the market, refuses or neglects on demand to perform his duties with respect to any such article, vehicle or animal, he shall be liable to a fine not exceeding forty shillings.

Frauds in connection with weighing, or with tolls.

60. A person who—

(a) commits any fraud with respect to the weighing or measuring of any article, or the weighing of any vehicle,

whether loaded or unloaded, or the weighing of any animal, for the purposes of the foregoing provisions of this Part of this Act, or with respect to the recording of the weight of any article or of any vehicle or its load, or of any animal, or

(b) with intent to evade payment of the whole or a part of any toll or other charge, gives to an authorised market officer false information as to the number, kind or weight of any animals, poultry or other articles, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, or to both.

61. A local authority who maintain a market, whether or byelaws about not they are a market authority within the meaning of this markets Act, may make byelaws—

- (a) for regulating the use of the market place, and the buildings, stalls, pens and standings therein;
- (b) for preventing nuisances or obstructions in the market place, or in the immediate approaches thereto;
- (c) for regulating porters and carriers resorting to the market, and fixing the charges to be made for carrying articles therefrom within the district.

PART IV

SLAUGHTERHOUSES AND KNACKERS' YARDS; COLD-AIR STORES
Licensing and regulation of slaughterhouses and knackers' yards

62.—(1) It shall not be lawful—

(a) for the occupier of any premises to use them as a slaughterhouse or knacker's yard, or to permit them to be so used, unless he holds a licence under this Part of this Act authorising him to keep those premises as a slaughterhouse or, as the case may be, a knacker's yard, or

(b) for any person other than the occupier to use any premises as a slaughterhouse or knacker's yard, unless the occupier of the premises holds in respect thereof such a licence as aforesaid.

(2) Licences under this Part of this Act shall be granted by the local authority, subject to and in accordance with the provisions of this Part of this Act.

(3) In relation to the use of any premises for or in connection with the slaughter of horses, a licence under this Part of this Act shall be of no effect unless the licence expressly authorises the use of the premises for that purpose.

In this subsection "horse" includes ass and mule.

(4) A person who uses any premises as a slaughterhouse or knacker's yard in contravention of the provisions of this section, or permits any premises to be so used, shall be guilty of an offence.

Application for and grant of licences.

63.—(1) Subject to the provisions of this Part of this Act, a local authority on receiving from the occupier of, or a person proposing to occupy, any premises an application for the grant or renewal of a licence authorising him to keep those premises as a slaughterhouse, or as a knacker's yard, may grant or renew to him a licence in respect of those premises:

Provided that the authority shall not grant or renew a licence until an officer of the authority has inspected the premises named in the application and has made a report thereon.

(2) Where any premises used or to be used for the confinement of animals awaiting slaughter in a slaughterhouse or knacker's yard are situated outside the curtilage of the premises used or to be used for the slaughter, separate licences may be granted under this Part of this Act authorising the use of those premises for the purposes of the confinement and the slaughter respectively.

(3) A local authority may require a person who applies for the grant or renewal of a licence under this Part of this Act to give to them, before his application is considered, information as to any other licence in respect of a slaughterhouse or knacker's yard which he holds or has held, either in their district or in the district of another local authority; and if an applicant who is so required gives to the authority any information which is false in a material respect, he shall be guilty of an offence.

Restriction on licensing of new slaughterhouses.

64. Notwithstanding anything in this Part of this Act, no slaughterhouse licence shall, except with the consent of the Minister of Agriculture, Fisheries and Food (hereafter in this Part of this Act referred to as "the Minister"), be granted or renewed by a local authority unless the premises in respect of which the application for the grant or renewal is made have previously been used as a slaughterhouse under the authority of a licence under this Part of this Act or, not having been so used,—

(a) were, at any time when the Food and Drugs Act, 1938, was in force, used as a slaughterhouse under the authority of a licence under section fifty-seven of that Act, or

(b) were, at any time during the period of five years immediately preceding the commencement of that Act, in use as a slaughterhouse and registered or licensed as such under any enactment repealed by that Act.

65.—(1) Without prejudice to the foregoing provisions of this Part of this Act, a local authority may refuse an application made to them for the grant or renewal of a licence under this Part of this Act in respect of any premises if they are not satisfied that the requirements of—

(a) any regulations in force under section thirteen of this Act and made for the purposes of paragraphs (a) or (b) of subsection (2) of that section, or

(b) any byelaws made by the authority and in force under section sixty-eight of this Act,

are complied with in respect of those premises, or will be complied with before the date on which the licence or renewed licence comes into force.

(2) Subject to the right of appeal provided for by the next following section, a licence under this Part of this Act shall not be granted or renewed in respect of any premises unless the local authority are satisfied that the requirements of any regulations in force under the Slaughter of Animals (Amendment) Act, 1954, with respect to the construction, lay-out and equipment of premises are complied with in respect of those premises, or will be complied with before the date on which the licence or renewed licence comes into force.

66.—(1) If a local authority refuse to grant, or refuse to renew, a licence under this Part of this Act, they shall forthwith give notice to the applicant of their decision in the matter.

(2) A local authority who have given to a person such a notice as aforesaid shall, if so required by him within fourteen days from the date of their decision, give to him, not later than forty-eight hours after receiving the requirement, a statement of the grounds on which their refusal was based.

(3) A person aggrieved by the refusal of a local authority to grant a licence under this Part of this Act, or to renew such a licence, may appeal to a magistrates' court.

(4) For the purposes of this section, a refusal by a local authority—

(a) to grant a licence with an express authorisation under subsection (3) of section sixty-two of this Act, or

(b) to renew a licence with such an authorisation as aforesaid,

shall be treated as a refusal to grant or, as the case may be, as a refusal to renew a licence.

67.—(1) Subject to the provisions of this section, a licence Duration under this Part of this Act shall remain in force for such period of licences. not exceeding thirteen months as may be fixed by the local

Particular grounds for refusal of licence.

Notification of, and appeal against, refusal of licence.

Provision and management of public slaughterhouses

70.—(1) It shall be the duty of every local authority, if and so far as it appears to them that additional slaughterhouse facilities of local requirements of persons making use of such facilities, to make such use of their powers under any enactment or statutory order as they think expedient for securing the provision of the facilities required.

(2) In the following provisions of this Part of this Act the expression "slaughterhouse facilities" means facilities for carrying on the activities of a slaughterhouse, including plant and apparatus and the services of persons as slaughtermen or otherwise.

71.—(1) Subject to the provisions of this section, a local authority may provide public slaughterhouses.

(2) Any proposal by a local authority to provide under this section a slaughterhouse within the district of another local authority shall require the consent of that authority; but such consent shall not be unreasonably withheld, and any question whether or not the consent of an authority for the purposes of this subsection is unreasonably withheld shall be referred to and determined by the Minister.

(3) It is hereby declared that the power conferred on local authorities by subsection (1) of this section is exercisable in either of the following ways, that is to say—

(a) by acquiring (whether by purchase, lease or otherwise) or appropriating land and providing slaughterhouse facilities there, or

(b) by acquiring (whether by purchase, lease or otherwise) land on which such facilities have been provided by other persons and securing that such facilities continue to be provided there;

and references in this Part of this Act to a local authority providing a slaughterhouse shall be construed accordingly.

(4) Nothing in sections sixty-two to sixty-nine of this Act shall apply in relation to a public slaughterhouse provided by a local authority under this, or any other, Act.

72.—(1) In the case of a public slaughterhouse, a local authority—

(a) may, and shall if so required by the Minister, make byelaws for securing that the slaughterhouse is kept in a sanitary condition and is properly managed;

authority, but may from time to time be renewed by them for a period not exceeding thirteen months at any one time.

(2) Where before the first day of July, nineteen hundred and fifty-six, a licence under this Part of this Act authorising the occupier of any premises to keep them as a slaughterhouse is granted or renewed by a local authority, the period fixed by the authority for the licence to remain in force or, as the case may be, the period for which it is renewed may exceed thirteen months so long as it does not end later than the thirty-first day of July, nineteen hundred and fifty-nine:

Provided that this subsection shall not apply in any case where it appears to the local authority that the premises in respect of which the licence is granted or renewed are, so far as they are to be used for slaughter, to be used wholly or mainly for the slaughter of horses.

68.—(1) A local authority may, and shall if so required by the Minister, make byelaws—

(a) for securing that slaughterhouses and knackers' yards are kept in a sanitary condition and are properly managed, and

(b) requiring a person licensed under this Part of this Act to keep a knacker's yard to keep, and to produce when required, records of animals brought into the yard and of the manner in which those animals and the different parts thereof were disposed of.

(2) Nothing in the Slaughter of Animals Acts, 1933 to 1954, shall be construed as restricting any power to make byelaws under paragraph (a) of the foregoing subsection, or as rendering invalid any byelaws made under section fifty-eight of the Food and Drugs Act, 1938, or under any corresponding enactment repealed by that Act.

(3) If a person convicted of an offence against any byelaw made under this section holds a licence under this Part of this Act, the court may, in addition to any other punishment, cancel the licence.

69.—(1) The occupier of a slaughterhouse or knacker's yard in respect of which a licence under this Part of this Act is in force shall display in a conspicuous position on the premises a legible notice with the words "Licensed Slaughterhouse" or "Licensed Knacker's Yard", as the case may be.

(2) A person who fails to comply with the provisions of this section shall be liable to a fine not exceeding forty shillings.

- (b) may provide plant or apparatus for disposing of, treating or processing waste matters, refuse or by-products, resulting from the slaughter of animals in the slaughter-house;
- (c) subject to the next following subsection, may make such arrangements as they think expedient for securing that all the activities of the slaughterhouse, or any particular activities, are carried on there by servants or agents of theirs to the exclusion of other persons.

(2) A local authority shall not exercise the power conferred by paragraph (c) of the foregoing subsection in such a manner as to deny to any religious community reasonable facilities for obtaining as food the flesh of animals slaughtered by the method specially required by their religion.

(3) In subsection (1) of this section the expression "public slaughterhouse" means a slaughterhouse provided by the local authority under section seventy-one of this Act or under section sixty of the Food and Drugs Act, 1938, and includes—

- (a) for the purposes of paragraphs (a) and (b) of that subsection, a public slaughterhouse provided by the authority under any enactment repealed by the said Act of 1938 or by the Public Health Act, 1875, and
- (b) for the purposes of paragraph (c) of that subsection, a public slaughterhouse provided by the authority under a local Act or statutory order.

charges in respect of public slaughterhouses.

73.—(1) Subject to the provisions of this section, a local authority who have provided a public slaughterhouse may make charges, according to scales determined by them from time to time, in respect of the use of the slaughterhouse or of any services provided there.

(2) Every scale of charges determined by a local authority for the purposes of this section shall be published by them in at least one newspaper circulating in their district and in such other manner (if any) as they think expedient for informing persons interested; and a copy of every scale of charges so published shall be sent by the authority to the Minister.

(3) If it appears to the Minister that a scale of charges determined by a local authority for the purposes of this section is in any respect unreasonable, he may, after consultation with the authority, direct them—

- (a) to make such alterations in the scale as he considers appropriate, and
- (b) except with his approval, not to depart from the scale as altered for such period as he may specify;
- and the authority shall comply with the direction.

Restriction of private slaughterhouses

74. A local authority may, with a view to reducing the number of private slaughterhouses,—

- (a) acquire by agreement any premises in their district which are used as a slaughterhouse and discontinue the use of the premises for that purpose;
- (b) agree with the persons interested in any premises in the district which are used as a slaughterhouse for the discontinuance of slaughtering on those premises.

75.—(1) Subject to the following provisions of this section, where a local authority—

- (a) have provided a public slaughterhouse, or
- (b) are of opinion that slaughterhouse facilities in their district ought to be abolished or reduced having regard to the existence of adequate alternative slaughterhouse facilities provided by another authority,

they may by a resolution determine that, after the appointed date for the purposes of their resolution, no fresh slaughterhouse licence shall be granted by them, and that on the said date all slaughterhouse licences then in force shall cease to have effect and shall not be renewable.

(2) A resolution of a local authority under this section shall not have effect until it has been approved by the Minister; and the appointed date for the purposes of the resolution shall be a date appointed by the Minister if he approves the resolution.

(3) A resolution under this section may exempt from the operation thereof any specified existing slaughterhouse and may reserve power for the local authority, with the approval of the Minister, to grant for special reasons a fresh licence; and the Minister in approving the resolution may modify it by inserting such an exemption or reservation.

(4) Where a resolution of a local authority under this section has taken effect and any premises used as a slaughterhouse have under the last foregoing subsection been exempted from the operation of the resolution, or the local authority since the passing of the resolution have in the exercise of a power reserved for them under the said subsection granted a fresh licence in respect of any premises in their district, then in neither case shall the authority refuse any subsequent application for the grant or renewal of a slaughterhouse licence in respect of the premises in question, unless—

- (a) the Minister has consented to the refusal; or
- (b) the authority are not, in relation to the premises, satisfied as mentioned in subsection (1) of section sixty-five of this Act,

and in any case to which paragraph (a) of this subsection applies no appeal against the refusal shall lie under subsection (3) of section sixty-six of this Act.

76.—(1) Where a local authority are satisfied that the slaughterhouse facilities available in their district are adequate for the time being having regard to the reasonable requirements of persons making use of such facilities, and that no additional facilities are required in the district, they may by a resolution determine that, after the date when the resolution has effect, no slaughterhouse licence will be granted or renewed by them in respect of any premises in their district which were not on that date licensed under this Part of this Act; or that such a licence will be granted or renewed only in special cases and with the consent of the Minister.

(2) A resolution under this section shall not have effect until it has been approved by the Minister.

77.—(1) So soon as any resolution under section seventy-five or section seventy-six of this Act has been passed, it shall be published in one or more local newspapers circulating in the district and, in the case of a resolution under the said section seventy-five, a copy of the resolution shall be served on every person licensed under this Part of this Act to keep a slaughterhouse within the district.

(2) Before approving any such resolution the Minister shall take into consideration any representation received by him within two months from the date of the first publication of the resolution, and shall not approve the resolution unless he is satisfied that there will be slaughterhouse accommodation adequate to meet the needs of the inhabitants of the district.

(3) The Minister may, in giving or withholding his approval to a resolution of a local authority under either of the said sections, direct the authority to take such steps as he may specify for informing persons interested of the effect of the resolution and his decision thereon, and also, in the case of a resolution under section seventy-five of this Act which he has approved, of the date fixed by him as the appointed date for the purposes thereof; and the authority shall comply with any such direction.

78.—(1) Where in consequence of a resolution of a local authority having effect under section seventy-five of this Act a slaughterhouse licence in respect of any premises ceases to have effect, any person having an interest in those premises, or in any land held therewith, being an interest of which the value is reduced in consequence of the resolution, shall be entitled to be paid by the authority by way of compensation an amount equal to the reduction.

(2) Where an application for the grant or renewal of a slaughterhouse licence in respect of any premises to which subsection (4) of section seventy-five of this Act applies is refused by a local authority otherwise than on the grounds specified in paragraph (b) of that subsection, any person having an interest in the premises, or in any land held therewith, being an interest of which the value is reduced in consequence of the refusal, shall be entitled to be paid by the authority by way of compensation an amount equal to the reduction.

(3) In ascertaining for the purposes of this section what was at any material time the value of a person's interest in premises or land held therewith, the following provisions shall apply, that is to say:—

(a) the value of the interest at the material time shall be taken to be the amount which the interest would have realised at that time on a sale thereof in the open market by a willing seller;

(b) account shall be taken of the value of any plant or machinery, being fixtures, which were on the premises at the said time;

(c) in relation to the value of the interest before the event giving rise to compensation under this section in respect of that interest, it shall be assumed that the sale referred to in paragraph (a) of this subsection would have been to a purchaser having reason to suppose that an application by him to the local authority for the grant of a slaughterhouse licence in respect of those premises would be granted subject to the premises being, or being rendered, suitable for use as a slaughterhouse; (d) subject to paragraph (b) of this subsection, no regard shall be had to goodwill or to any other matter not directly based on the value of the premises or land as such.

(4) Where any dispute arises as to whether compensation is payable to any person under this section, or as to the amount of any such compensation, the dispute shall be referred to and determined by the Lands Tribunal.

(5) Where a local authority have incurred any liability to pay any sums by way of compensation under this section, the Minister may, out of moneys provided by Parliament, make a grant to the authority of an amount not exceeding one half of those sums.

(6) It is hereby declared that a person's entitlement to compensation under this section in respect of any interest of his in premises is not to be treated as taken away by any undertaking not to claim the compensation which may have been given in connection with the grant or renewal of a slaughterhouse licence.

PART IV
—cont.
Special provisions here
compensation payable under
cal Act.

79. Where under a local Act a local authority are required to pay or tender compensation in respect of slaughterhouses of any specified class the use of which is rendered unlawful by reason of the provision of a public slaughterhouse by the authority, then for the purposes of that requirement a slaughterhouse which—

- (a) immediately before the commencement of the Food and Drugs Act, 1938, was a slaughterhouse of any such class, and
- (b) immediately before the commencement of this Act was by virtue of subsection (7) of section sixty-one of that Act deemed to continue to be such a slaughterhouse, shall be deemed to continue to be such a slaughterhouse so long as it remains licensed under this Part of this Act.

Cold-air stores, etc.

80.—(1) Subject to the provisions of this section, a local authority who have provided, or are about to provide, a public slaughterhouse or a market, may, with the approval of the Minister, provide a cold-air store or refrigerator for the storage and preservation of meat and other articles of food and may make charges in respect of the use of any such store or refrigerator.

(2) Any proposal by a local authority to provide under this section a cold-air store or refrigerator within the district of another local authority shall require the consent of that authority; but such consent shall not be unreasonably withheld and any question whether or not the consent of an authority for the purposes of this subsection is unreasonably withheld shall be referred to and determined by the Minister.

(3) A local authority who intend to apply for the approval of the Minister under subsection (1) of this section shall, at least one month before making the application, give notice of their intention by advertisement in one or more local newspapers circulating in their district, and, where the consent of the local authority of another district is required, in one or more local newspapers circulating in that district; and the Minister shall consider any objection to the authority's proposals which he may receive within four weeks after the publication of the advertisement from any person appearing to him to be interested, and, in the event of any such objection being received and not withdrawn, shall cause a local inquiry to be held.

Saving

81. Nothing in this Part of this Act shall apply to any slaughterhouse or knacker's yard forming part of an imported animals' wharf or landing place approved by the Minister under the Diseases of Animals Act, 1950, for the purpose of the landing of imported animals.

PART V

ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS
Administration

82.—(1) There shall be constituted a Council, to be called Food Hygiene the Food Hygiene Advisory Council, which shall consist of a Advisory chairman appointed by the Ministers and such number of other members so appointed as the Ministers may determine.

(2) The members of the said Council so appointed shall include—

- (a) persons appearing to the Ministers to be qualified to represent the interests of the public generally in relation to matters of food hygiene and related matters,
 - (b) persons appearing to the Ministers to be representative of persons carrying on any of the classes of trade or business affected by the operation of this Act in relation to food, and
 - (c) persons appearing to the Ministers to be representative of workers employed in any of the said classes of trade or business;
- and the terms of their appointment shall be such as the Ministers may determine.

(3) The Ministers or either of them may from time to time refer to the said Council for consideration or advice such questions as they think fit, being questions relating to this Act as it applies in relation to food.

(4) Without prejudice to the last foregoing subsection, where the Ministers propose—

- (a) to make any regulations under section seven, section thirteen or section twenty-one of this Act, or
- (b) to make an order under section seventeen of this Act, or
- (c) to publish any such code of practice as is mentioned in subsection (8) of section thirteen of this Act,

they shall (unless it appears to them to be inexpedient to do so having regard to the urgency of the matter) refer the proposals in the form of draft regulations, or a draft order or draft code of practice, or otherwise, to the Food Hygiene Advisory Council for consideration and advice.

(5) The Minister of Health may, out of moneys provided by Parliament, pay to the chairman and other members of the Food Hygiene Advisory Council, and to persons attending meetings at the request of the Council, such allowances as he may, with the approval of the Treasury, determine in respect of travelling and subsistence expenses and in respect of other expenses (if any) necessarily incurred by them for the purpose of enabling them to discharge their functions as members of the Council.

(6) Nothing in this section shall be taken as prejudicing the effect of subsection (6) of section one hundred and twenty-three of this Act.

83.—(1) Subject to the provisions of this section, the food and drugs authorities for the purposes of this Act shall be as follows, that is to say—

(a) for the City of London, the Common Council;

(b) for every county borough or metropolitan borough, the council of the borough;

(c) for every non-county borough or urban district, being a borough or district of which the population, according to the last published census for the time being, is forty thousand or upwards, the council of the borough or district; and

(d) for every area within a county for which no other council is for the time being the food and drugs authority, the council of the county.

(2) Where, apart from this subsection, the council of a non-county borough or urban district would become the food and drugs authority for that borough or district in consequence of the publication of any census, and the Minister of Health is satisfied, upon application made by the council of the county in which the borough or district is comprised, that the area or areas in respect of which the last mentioned council would in that event be the food and drugs authority are inconvenient in size, shape or situation for the efficient performance of their duties as such, he may direct that the council of the county shall, so long as the directions remain in force, continue to be the food and drugs authority for the borough or district.

Any directions given by the Minister of Health before the commencement of this Act under paragraph (a) of the proviso to section sixty-four of the Food and Drugs Act, 1938 (which provided, in terms similar to those of this subsection, for the local authority being displaced as food and drugs authority by the county council), shall continue in force and have effect as if given under this subsection.

(3) Where, according to the last published census for the time being, the population of a non-county borough or urban district is less than forty thousand and the Minister of Health is satisfied, upon application made by the council of that borough or district, that it is expedient that that council should continue to be or should become the food and drugs authority for the borough or district, he may, subject to the provisions of subsection (4) of this section, direct that so long as the directions

remain in force that council shall continue to be or, as the case may be, shall be the food and drugs authority for the borough or district.

Any directions given by the Minister of Health before the commencement of this Act under paragraph (b) of the proviso to section sixty-four of the Food and Drugs Act, 1938 (under which a local authority could be made the food and drugs authority for their area, in place of the county council) shall continue in force and have effect as if given under this subsection.

(4) Where according to the last published census for the time being the population of a non-county borough or urban district is less than twenty thousand, no directions shall be given under subsection (3) of this section that the council of the borough or district shall become the food and drugs authority:

Provided that such directions may be given if it appears from any estimate published by the Registrar General that the population of the borough or district is for the time being more than twenty thousand and the Minister of Health thinks it expedient that the council should become the food and drugs authority in advance of the next census.

(5) Where immediately before the publication of any census the council of a non-county borough or urban district were the food and drugs authority for the borough or district (otherwise than in pursuance of directions given by the Minister of Health after the taking of the census and by virtue only of the proviso to the last foregoing subsection) and the population of the borough or district is shown by the census to be less than twenty thousand,—

(a) the council shall cease to be the food and drugs authority, and

(b) any directions in force under subsection (3) of this section in respect of the borough or district shall cease to have effect.

(6) The foregoing provisions of this section shall have effect notwithstanding anything to the contrary in any charter of incorporation granted before the commencement of this Act in the case of a borough, or in any scheme confirmed in connection with the grant of such a charter, under Part VI of the Local Government Act, 1933, or Part XI of the Municipal Corporations Act, 1882.

84.—(1) An application for directions under the last foregoing section, being—

(a) an application under subsection (2) of that section, or as to food and drugs authorities.

(b) an application under subsection (3) of that section for directions that a council shall continue to be a food and drugs authority.

shall be made before the first day of January next after the expiration of a period of three months from the publication of the relevant census.

(2) Any council who become or cease to be a food and drugs authority under the last foregoing section in consequence of the publication of any census shall become or cease to be such an authority on the first day of April next after the expiration of a period of six months from the publication of the census or, where an application for directions under that section in respect of the borough or district concerned is duly made, on such later date, if any, as the Minister of Health may determine.

(3) Any directions given, or having effect as if given, by the Minister of Health under the last foregoing section may at any time be revoked by that Minister as from such date as he may determine; but except as provided by this subsection and subsection (5) of that section, such directions shall continue in force notwithstanding the publication of any subsequent census in respect of the area to which they relate.

(4) Upon any change in the council who are the food and drugs authority for any borough or district, anything done before the date on which the change takes effect by, to or before the council who were then the food and drugs authority shall have effect for the purposes of this Act as if done by, to or before the council who become the food and drugs authority; and any proceedings under this Act which on that date were pending by or against the first mentioned council may be continued accordingly by or against the second mentioned council, and shall not abate by reason of the change.

(5) For the purposes of the last foregoing section and this section, a census shall be deemed to be published in relation to any borough or district on the date on which the Registrar General, in pursuance of the Census Act, 1920, publishes a report giving the population of that borough or district, not being a report which is, or purports to be, of a provisional nature.

85. In this Act, except in sections forty-two and forty-three, the expression "local authority" means—

- (a) as respects the City of London, the Common Council;
- (b) as respects a metropolitan borough, the council of the borough;
- (c) as respects the Inner Temple and the Middle Temple, the respective overseers thereof; and
- (d) as respects any other borough and any urban district or rural district, the council of the borough or district.

86.—(1) Subject to the provisions of this section, the expression "authorised officer", where used in this Act in relation to a council,—

(a) means an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter, and

(b) for the purposes of any provision of this Act relating to the taking of samples, includes a police constable so authorised with the approval of the police authority concerned.

(2) The medical officer of health and the sanitary inspector of a council shall by virtue of their appointments be deemed to be authorised officers of the council for all the purposes of this Act.

(3) Any member of the Royal College of Veterinary Surgeons employed by a council for the purpose of the inspection of food shall be deemed to be an authorised officer of the council for the purpose of the examination and seizure of meat under the provisions of Part I of this Act relating to food unfit for human consumption.

(4) No officer of a council shall be authorised under this Act to act in relation to the examination and seizure of meat, unless he is—

(a) the medical officer of health,

(b) a sanitary inspector,

(c) a member of the Royal College of Veterinary Surgeons employed as mentioned in the last foregoing subsection, or

(d) a person having such qualifications as may be prescribed by regulations made by the Ministers.

87.—(1) It shall be the duty of the authorities specified in the first column of the Sixth Schedule to this Act to secure the enforcement and execution of the provisions which are specified in relation to them respectively in the second column of the said Schedule, being provisions of this Act or of regulations made thereunder.

(2) It shall be the duty of every local authority to enforce and execute in their district the provisions of any section of this Act with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.

(3) Regulations made under Part I of this Act, Milk and Dairies Regulations and Milk (Special Designation) Regulations shall specify the authorities by whom they are to be enforced or executed, being—

(a) in the case of regulations made under Part I of this Act, county councils, local authorities, food and drugs

Meaning of "authorised officer".

authorities, port health authorities, the Commissioners of Customs and Excise, or local authorities for the purposes of the Weights and Measures Acts, 1878 to 1936;

(b) in the case of Milk and Dairies Regulations and Milk (Special Designation) Regulations, county councils, local authorities, food and drugs authorities, or port health authorities;

and any regulations to which this subsection applies may provide for the giving of assistance and information, by any authority concerned in the administration of the regulations, or of this Act, to any other authority so concerned, for the purposes of their respective duties thereunder:

Provided that this subsection shall not apply to the enforcement or execution of so much of any regulations made under Part II of this Act as is, by virtue of subsection (1) of this section, enforceable by the Minister of Agriculture, Fisheries and Food.

88.—(1) Orders made by the Minister of Health under section three of the Public Health Act, 1936, may assign to a port health authority any of the functions, rights and liabilities of a local authority or food and drugs authority under this Act.

(2) Orders made by the Minister of Housing and Local Government under section six or section eight of the said Act of 1936 may—

(a) constitute a united district for the purposes of any functions under this Act which are functions of a local authority, whether as a food and drugs authority or otherwise, or

(b) empower councils of counties and of county boroughs to discharge through a joint board any of their functions, in whatever capacity, under this Act.

(3) Any order made under the Public Health Act, 1936, by virtue of the foregoing provisions of this section may be amended under section nine of the said Act by the Minister by whom it was made, and, for the purposes of section three hundred and eleven of the said Act (which relates to the power of the Public Works Loan Commissioners to lend money to councils) as incorporated in this Act, orders made under that Act by virtue of the foregoing provisions of this section shall be deemed to be made under this Act.

(4) The functions, rights and liabilities which the Minister of Health may by an order under subsection (1) of section six of the Public Health (London) Act, 1936, vest in or impose

on the port health authority of the Port of London shall include any functions, rights and liabilities of a local authority or food and drugs authority under this Act; and the provisions and byelaws which any such order may extend as mentioned in subsection (3) of the said section shall include any of the provisions of this Act which it is the function of a local authority or food and drugs authority to carry into effect; and any byelaws made under any of those provisions, and any order previously made under the said section six may be amended accordingly.

For the purposes of this subsection, the making of byelaws under section fifteen of this Act shall be deemed to be a function of a local authority, notwithstanding that, in relation to parts of London outside the City, byelaws under that section may be made only by the London County Council.

Sampling and analysis

89.—(1) Every food and drugs authority shall appoint in Public accordance with the provisions of this section one or more persons (in this Act referred to as “public analysts”) to be analysts of food and drugs within their area.

(2) No person shall be appointed a public analyst unless he possesses either the qualifications prescribed by regulations made by the Ministers or such other qualifications as the Ministers may approve, and no person shall be appointed public analyst for any area who is engaged directly or indirectly in any trade or business connected with the sale of food or drugs in that area.

(3) The appointment of a public analyst and the terms of his appointment, and the removal of a public analyst, shall require the approval of the Minister of Agriculture, Fisheries and Food.

(4) A food and drugs authority shall pay to a public analyst such remuneration as may be agreed, which may be expressed to be payable either in addition to any fees received by him under this Part of this Act, or on condition that any fees so received by him are paid over by him to the authority.

(5) A food and drugs authority who appoint only one public analyst may appoint also a deputy to act during any vacancy in the office of public analyst, or during the absence or incapacity of the holder of the office, and—

(a) the foregoing provisions of this section with respect to the qualifications, appointment, removal and remuneration of a public analyst shall apply also in relation to a deputy public analyst, and

(b) any reference in the following provisions of this Act to a public analyst shall be construed as including a reference to a deputy public analyst appointed under this subsection.

PART V
—cont.

Facilities for examination of food and drugs.

90. A county council or local authority may provide facilities for bacteriological and other examinations of samples of food and drugs.

Powers of sampling.

91.—(1) An authorised officer of a council may exercise such powers of procuring samples for analysis, or for bacteriological or other examination, as are conferred upon him by this section, and any such officer is in this Act referred to as a “sampling officer”.

(2) A sampling officer may purchase samples of any food or drug, or of any substance capable of being used in the preparation of food; but nothing in this subsection shall be construed as authorising any purchase or sale of drugs in contravention of the Dangerous Drugs Act, 1951, or of regulations made thereunder.

(3) Subject to the provisions of this section, a sampling officer may take a sample of any food, or of any substance capable of being used in the preparation of food, which appears to him to be intended for sale, or to have been sold, for human consumption, or is found by him on or in any premises, stall, vehicle, ship, aircraft or place which he is authorised to enter for the purposes of the execution of this Act.

(4) Without prejudice to the last foregoing subsection, a sampling officer—

(a) may take a sample of milk while at any dairy, or while deposited for collection, or at any time before it is delivered to a consumer in pursuance of a sale by retail,

(b) may, at the request of a person to whom any food or substance is, or is to be, delivered in pursuance of a contract of sale, take a sample of that food or substance in the course of delivery, or at the place of delivery.

(5) A sampling officer who under this section takes a sample of the milk of any cows at a dairy may take such steps at the dairy as may be necessary to satisfy himself that the sample is a fair sample of the milk of the cows when properly and fully milked.

(6) Except as provided by subsection (4) of this section, or with the consent of the purchaser, a sampling officer shall not take a sample of any food, or substance which appears to him to have been sold by retail, either while the food or substance is in the course of delivery to the purchaser, or at any time after such delivery; and nothing in this section shall authorise a sampling officer to take a sample of any food or substance in a ship (not being a home-going ship) or in any aircraft, other than food imported as part of the cargo of that ship or aircraft.