

SCHEDULES

FIRST SCHEDULE

Section 23.

DISEASES TO WHICH S. 23 (1) APPLIES

Enteric fever (including typhoid and paratyphoid fevers).

Dysentery.

Diphtheria.

Scarlet fever.

Acute inflammation of the throat.

Gastro-enteritis.

Undulant fever.

SECOND SCHEDULE

Section 30.

REFUSAL AND CANCELLATION OF REGISTRATION OF DAIRYMEN, DAIRY FARMS AND DAIRY FARMERS

PART I

DAIRYMEN

1. If it appears to an authority by whom dairymen are registered in pursuance of Milk and Dairies Regulations, other than the Minister of Agriculture, Fisheries and Food (hereafter in this Schedule referred to as "the Minister"), that the public health is, or is likely to be, endangered by any act or default of a person who has applied to be, or, is so registered by the authority, being an act or default, committed whether within or without the district of the authority, in relation to the quality, storage or distribution of milk, they may serve on him a notice—

(a) stating the place and time, not being less than twenty-one days after the date of the service of the notice, at which they propose to take the matter into consideration, and

(b) informing him that he may attend before them, with any witnesses whom he desires to call, at the place and time mentioned to show cause why they should not, for reasons specified in the notice, refuse to register him or cancel his registration, as the case may be, either generally or in respect of any specified premises.

2. A person entitled under the foregoing paragraph to appear before any authority may appear in person or by counsel or a solicitor or any other representative, or may be accompanied by any person whom he may wish to assist him in the proceedings.

3. If a person on whom a notice is served under paragraph 1 of this Schedule fails to show cause to the satisfaction of the authority, they may refuse to register him or may cancel his registration, as the case may be, and shall forthwith give notice to him of their decision in the matter, and shall, if so required by him within fourteen days from the date of their decision, give to him, not less than forty-eight hours after receiving the requirement, a statement of the grounds on which it was based.

4. A person aggrieved by the decision of an authority under this Part of this Schedule to refuse to register him, or to cancel his registration, may appeal to a magistrates' court.

5. The court before whom a person registered as a dairyman otherwise than by the Minister is convicted of an offence under any of the provisions relating to milk in this Act, or under Milk and Dairies Regulations, may, in addition to any other punishment, cancel his registration as such.

6. An authority other than the Minister may require a person who applies to them for registration as a dairyman to give to them, before his application is considered, information as to whether he is, or has been, registered as a dairyman, whether by them or the Minister or some other authority, and if an applicant who is so required gives to the authority any information which is false in any material respect, he shall be guilty of an offence.

7. Where under this Part of this Schedule a person's application for registration is refused, or his registration is cancelled, he shall not be liable for any breach of contract for the purchase of further supplies of milk from any person, if the refusal or cancellation was due to the quality of the milk supplied by that person.

PART II

DAIRY FARMS AND DAIRY FARMERS

8. Milk and Dairies Regulations shall provide—

(a) for the refusal by the Minister of registration of a dairy farm or of a person carrying on, or proposing to carry on, the trade of a dairy farmer, if in his opinion, having regard to conditions existing at the premises to be registered, the regulations cannot be complied with and the registration should be refused, and

(b) for the cancellation of any such registration by the Minister if in his opinion the regulations are not being complied with and the registration should be cancelled.

9. Any regulations made by virtue of the last foregoing paragraph shall—

(a) require notice to be given to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot be or are not being complied with, as the case may be, and his rights of making objections and representations in accordance with the regulations;

(b) enable the said person, within the time prescribed by the regulations (which shall not be less, in the case of a refusal, than twenty-eight days or, in the case of a cancellation, than twenty-one days, from the date of the service of the said notice) to object, in respect of all or any of the grounds stated in the said notice, that the regulations can be or are being complied with, as the case may be;

(c) provide for the reference of any such objection to a tribunal constituted in accordance with the regulations;

(d) provide for the procedure of the said tribunal, and in particular for entitling the person objecting to appear before the tribunal with any witnesses he desires to call, and to require the tribunal to inspect the premises to which the objections relate;

(e) require the said tribunal to determine whether the objections are made out and, if not, on which of the grounds in respect of which they are made they are not made out, and provide that, in the event of a difference of opinion among the members of the tribunal, the determination of the majority of them shall be the determination of the tribunal;

(f) require that the determinations of the tribunal shall be reported to the Minister and communicated by him to the person objecting, and provide that the determinations of the tribunal as stated in the report shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby;

(g) enable the said person within the time so prescribed to make representations to the Minister that the registration should not be refused or cancelled on the grounds stated in the notice mentioned in sub-paragraph (a) of this paragraph;

(h) provide that no registration shall be cancelled—
(i) in any case, until the expiration of the prescribed time for making objections or representations under the regulations;

(ii) in a case where an objection is made within that time, until the report of the tribunal thereon has been received and considered by the Minister;

(iii) in a case where representations are made to the Minister within that time, until the representations have been considered by him.

10. There shall be paid out of moneys provided by Parliament to the chairman of any such tribunal as is referred to in the last foregoing paragraph such remuneration (by way of salary or fees) and such allowances as the Minister may, with the approval of the Treasury, determine.

THIRD SCHEDULE

DISEASES OF COWS TO WHICH S. 31 APPLIES

- Acute mastitis.
- Actinomycosis of the udder.
- Suppuration of the udder.
- Any infection of the udder or teats which is likely to convey disease.
- Any comatose condition.
- Any septic condition of the uterus.
- Anthrax.
- Foot-and-mouth disease.

FOURTH SCHEDULE

POWERS AS TO REVOCATION OR SUSPENSION OF LICENCES TO USE SPECIAL DESIGNATIONS, AND PROCEDURE AS TO REVOCATION, SUSPENSION OR REFUSAL THEREOF

PART I

GENERAL

1. Provision shall be made by Milk (Special Designation) Regulations for enabling the licensing authority or, on an appeal made to him by virtue of the subsequent provisions of this Schedule in that behalf, the Minister of Agriculture, Fisheries and Food (hereafter in this Schedule referred to as "the Minister"), to revoke or suspend a licence authorising the use of a special designation, on the ground of any breach of condition thereof which is proved to the satisfaction of the licensing authority, or of the Minister, as the case may be: Provided that this paragraph shall, in relation to licences for specified areas, have effect subject to the provisions of Part II of this Schedule.

2. Provision shall be made by such regulations as aforesaid as to refuse a grant of such a licence—

(a) where the licensing authority is a local authority, for conferring on the holder of the licence or the applicant, as the case may be (in this Schedule referred to as "the person affected") a right to be heard by the appropriate committee of the authority before a decision is made, and a right of appeal to the Minister against a decision adverse to the person affected;

(b) for requiring the Minister on any such appeal to him, and when acting as licensing authority, before making his decision to afford to the person affected an opportunity of making representations;

(c) for securing that any such hearing as aforesaid by a committee shall be in public, that the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and that he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another; and

(d) for securing that such notice of a decision or proposed decision shall be given to the person affected as may be requisite for enabling him effectively to exercise rights conferred on him by virtue of the foregoing provisions of this paragraph.

3. Paragraph (c) of subsection (1) of section one hundred and twenty-three of this Act shall not apply to any such decision as is mentioned in the last foregoing paragraph.

PART II

LICENCES HELD BY RETAILERS FOR SPECIFIED AREAS

4.—(1) Any provision for the revocation of a licence authorising the use of a special designation on the ground of breach of a condition thereof made by Milk (Special Designation) Regulations shall be such as to secure that a licence held by a retailer for a specified area shall

not be revoked, and a grant of a licence by way of renewal of a licence so held shall not be refused, on the ground of breach of a condition of the licence so held, unless—

(a) the breach in question is of a condition to which section forty-three of this Act applies.

(b) the holder of the licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted, within twelve months before the time of the breach in question or after the time of it, of an offence under section twenty-two of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, or under section thirty-six, thirty-seven or thirty-eight of this Act, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed, and

(c) the decision of the licensing authority to revoke, or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.

(2) Any provision for the suspension of a licence authorising the use of a special designation on the ground of breach of a condition thereof made by Milk (Special Designation) Regulations shall be such as to secure that—

(a) a licence held by a retailer for a specified area shall not be suspended, by virtue of any one decision of the authority having power to suspend it, for a period of more than three months, but

(b) a period of suspension of such a licence awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of this Schedule.

(3) For the purposes of any decision for the suspension of a licence held by a retailer for a specified area, the term of that licence and of any licence granted by way of renewal thereof shall be treated as if they had been a single term, and accordingly—

(a) a period of suspension of such a licence of three months or less may be awarded notwithstanding that that period is longer than the unexpired residue of the term of the licence; and

(b) where such a longer period of suspension of such a licence is awarded, a licence may be granted by way of renewal thereof but that licence shall be in suspense until the expiry of that period, and such a decision for extension of that period as is mentioned in paragraph (b) of sub-paragraph (2) of this paragraph may be made so as to extend the suspension of that licence.

5. Paragraph 1 of this Schedule shall, in so far as it relates to proof of a breach of condition of a licence, have effect subject as follows, that is to say—

(a) the provision to be made as therein mentioned shall extend to a breach by virtue of which the holder of the licence has been convicted of an offence under section forty-three of this Act without requiring any proof thereof other than conviction; and

(b) in relation to a case referred to a tribunal by virtue of the subsequent provisions of this Schedule, not being a case in which the holder of the licence has been convicted as aforesaid, the said paragraph 1 shall have effect with the substitution of a reference to proof by the finding of the tribunal for the reference to proof to the satisfaction of the licensing authority or the Minister.

6.—(1) Milk (Special Designation) Regulations shall, where the issue is as to the revocation or suspension of a licence held by a retailer for a specified area, or as to the refusal to grant such a licence by way of renewal of such a licence, provide—

(a) for requiring the Minister on such an appeal as is mentioned in sub-paragraph (a) of paragraph 2 of this Schedule, and when acting as licensing authority, to refer the matter to a tribunal constituted in accordance with the regulations if the person affected so requests;

(b) for requiring that the duty of such a tribunal on any such reference shall be to report findings on any questions of fact appearing to them to be relevant, and in particular, where the issue is as to revocation or suspension on the ground of a breach of condition not being one by virtue of which the holder of the licence has been convicted of an offence under section forty-three of this Act, to find and report whether the breach was in fact committed (which finding shall be conclusive for the purposes of this Schedule), and for requiring the Minister to consider the report of the tribunal before making his decision;

(c) for the procedure of such a tribunal, including provision for conferring on the person affected a right to be heard by the tribunal, and including provision for treating the finding of a majority of the members of such a tribunal as the finding of the tribunal in the event of a difference of opinion among the members;

(d) for securing that any such hearing as aforesaid by a tribunal shall be in public, that the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and that he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another; and

(e) for securing that such notice of a decision or proposed decision shall be given to the person affected as may be requisite for enabling him effectively to exercise rights conferred on him by virtue of the foregoing provisions of this paragraph.

(2) There shall be paid out of moneys provided by Parliament to the chairman of any such tribunal as aforesaid such remuneration (by way of salary or fees) and such allowances as the authority appointing him may, with the approval of the Treasury, determine.

CONDITIONS TO WHICH S. 43 APPLIES

Conditions to which section forty-three of this Act applies are conditions relating to any of the following matters, that is to say:—

1. The examination or testing of animals, the inoculation of animals, the keeping of any animal or herd away from other animals, or other measures for detecting the existence of disease in animals or preventing the contracting or spread of it.

2. The marking, or keeping of records, of any animals, or other measures for identification thereof.

3. The subjection of milk to any process of heat-treatment, or to any cooling or other process, requirements in connection with the subjection of milk thereto or as to the temperature or other conditions under which it is to be kept thereafter, or the recording or retention of evidence of the observance of such requirements.

4. Satisfaction of a test of milk, being a test related to the subjection of milk to such a process as aforesaid or to the observance of any such requirements as aforesaid.

5. Measures for securing that milk produced, or subjected to a process, as required by any conditions is kept away from, and free from admixture with, other milk not so produced or subjected or other things, or is not subjected to some specified process.

6. The manner in which milk produced, or subjected to any process, in accordance with any conditions is to be dealt with or kept as respects the receptacles in which it is to be put or to remain, the closing or fastening of receptacles, or the marking of receptacles or of things by which they are closed or fastened.

7. The manner of describing milk produced, or subjected to any process, in accordance with any conditions.

8. The making or keeping of records of milk produced, bought, or subjected to any process, or sold.

PROVISIONS TO BE ENFORCED BY PARTICULAR AUTHORITIES

Authorities	Provisions to be enforced and executed
<p>The Minister of Agriculture, Fisheries and Food</p>	<p>(a) Any order made under section five of this Act; (b) Section thirty-six of this Act, so far as it applies to anything done in relation to raw milk by the producer of the milk; (c) Subsection (1) of section forty-three of this Act, so far as it relates to— (i) licences authorising the use of a special designation in relation to milk by a local authority within the meaning of the said section forty-three, and (ii) licences authorising the use of a special designation in relation to raw milk by the producer of the milk; (d) Milk and Dairies Regulations in respect of— (i) dairy farms, (ii) the registration of persons carrying on or proposing to carry on the trade of a dairy farmer, or (iii) the registration of occupiers of premises used temporarily as dairy farms; but excluding regulations made for the purposes of paragraph (f) or paragraph (g) of subsection (1) of section twenty-nine of this Act;</p>
<p>Food and drugs authorities</p>	<p>(e) Milk (Special Designation) Regulations in respect of the use of a special designation of raw milk by the producer of the milk. (a) Sections one, two and six; (b) Section thirty-two; (c) Subsections (1) and (2) of section thirty-six (except as regards any use of a special designation in relation to raw milk, and as regards the making of any reference to raw milk by such a description as is mentioned in the said subsection (2)), by the producer of the milk); (d) Sections thirty-seven, thirty-eight and forty-seven.</p>
<p>County councils and county borough councils</p>	<p>Section thirty-one.</p>

SEVENTH SCHEDULE

SAMPLING
PART I

PROVISIONS AS TO MANNER IN WHICH SAMPLES TAKEN OR PURCHASED FOR ANALYSIS ARE TO BE DEALT WITH

1. The sampling officer shall forthwith divide the sample into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall—
 - (a) with respect to one part of the sample comply with paragraphs 2 to 8 of this Schedule, and
 - (b) deal with the remaining parts in accordance with paragraph 9 of this Schedule.
- 2.—(1) If the sample was purchased by the sampling officer, he shall give the part of the sample to the vendor.
 (2) In relation to a sample purchased from an automatic machine, this paragraph shall apply as if for the reference to the vendor there were substituted a reference—
 - (a) if the name and address (being an address in England or Wales) of a person stated to be the proprietor of the machine appears on the machine, to that person;
 - (b) in any other case, to the occupier of the premises on which the machine stands or to which it is affixed.
3. If the sample is of goods consigned from outside England and Wales and was taken by the sampling officer before delivery to the consignee, the officer shall give the part of the sample to the consignee.
 - 4.—(1) This paragraph applies in relation to any sample of milk taken by the sampling officer, except to—
 - (a) one in relation to which the last foregoing paragraph applies, or
 - (b) any sample of cream.
 - (2) If the sample was taken from a container—
 - (a) having a capacity greater than six pints, and
 - (b) appearing to the officer to show the name and address (being an address in England or Wales) of any person as consignor of the milk,
 the officer shall give the part of the sample to that person.
 - (3) If the sample was taken from a container—
 - (a) having a capacity of six pints or less, and
 - (b) appearing to the officer to show the name and address (being an address in England or Wales) of any person as the person who put the milk into the container,
 the officer shall give the part of the sample to that person.
 - (4) If—
 - (a) neither of the two foregoing sub-paragraphs apply, and
 - (b) the sample was taken at a dairy,
 the officer shall give the part of the sample to the occupier of the dairy.

(5) If none of the three foregoing sub-paragraphs apply, the officer shall give the part of the sample—

(a) to the occupier of the dairy from which the milk was consigned, or

(b) if the milk was consigned from more than one dairy, to the occupier of the dairy from which it was last consigned.

5. If—

- (a) none of the foregoing paragraphs of this Schedule apply, and
- (b) the sample was taken by the sampling officer at the request of a purchaser, or taken with the consent of a purchaser by retail,

the officer shall give the part of the sample to the vendor.

6. If—

- (a) none of the foregoing paragraphs of this Schedule apply, and
- (b) the sample was taken in transit,
- the sampling officer shall give the part of the sample to the consignor.

7. If none of the foregoing paragraphs of this Schedule apply, the sampling officer shall give the part of the sample to the person appearing to be the owner of the food, drug or substance of which the sample was taken.

8. In every case to which paragraphs 2 to 7 of this Schedule apply the sampling officer shall inform the person to whom the part of the sample is given that the sample was purchased or taken for the purpose of analysis by a public analyst.

9. Of the remaining parts of the sample, the sampling officer shall, unless he decides not to have an analysis made, submit one for analysis in accordance with section ninety-two of this Act, and retain the other for future comparison.

10. Any part of a sample which under this Schedule is to be given to any person may be given either by delivering it to him or to his agent or by sending it to him by post in a registered packet; but where after reasonable inquiry the sampling officer is unable to ascertain the name and address of the person to whom the part of the sample is to be given, he may, in lieu of giving the part to that person, retain it.

PART II

SPECIAL PROVISIONS AS TO SAMPLING OF MILK

11. Where a sample of milk is procured from a purveyor of milk, he shall, if required to do so by the person by whom or on whose behalf the sample was procured, state the name and address of the seller or consignor from whom he received the milk.

12. Within sixty hours after the sample was procured from the purveyor, he may serve on the authority by whose officer it was procured, or, if it was not procured by an officer of any authority, on the food and drugs authority within whose area it was procured, a notice stating the name and address of the seller or consignor from whom he received the milk and the time and place of delivery to himself of milk from a corresponding milking, and requesting the authority

to take immediate steps to procure, as soon as practicable, a sample of milk from a corresponding milking in the course of transit or delivery to himself from the seller or consignor:

Provided that—

(a) if such a sample has been so procured since the sample in question was procured, or had been so procured within twenty-four hours prior to that sample being procured, it shall not be necessary for the authority to procure another sample in accordance with the notice; and

(b) the purveyor shall have no right to require that such a sample shall be procured if the milk from which the sample procured from him was taken was a mixture of milk produced on more than one dairy farm.

13. If a purveyor has served on the authority such a notice as aforesaid, and the authority have, in a case not falling within the proviso to the last foregoing paragraph, omitted to procure a sample of milk from the seller or consignor in accordance with the foregoing provisions, no proceedings under this Act shall be taken against the purveyor in respect of the sample procured from him.

14. Any sample so procured in the course of transit or delivery shall be submitted for analysis to the analyst to whom the sample procured from the purveyor is or was submitted.

15. If proceedings are taken against the purveyor, a copy of the certificate of the result of the analysis of every sample so procured in the course of transit or delivery shall be furnished to him, and every such certificate and copy shall, subject to the provisions of section one hundred and ten of this Act, be admissible as evidence on any question whether the milk sold by the purveyor was sold in the same state as it was in when he purchased it.

16. The authority by whose officer, or within whose area, the first mentioned sample was procured may, instead of, or in addition to, taking proceedings against the purveyor, take proceedings against the seller or consignor.

17. If a sample of milk of cows in any dairy is procured in course of transit or delivery from that dairy, the dairyman may, within sixty hours after the sample was procured, serve on the authority by whose officer the sample was procured, a notice requesting them to take immediate steps to procure as soon as practicable a sample of milk from a corresponding milking of the cows and, thereupon, paragraphs 12 to 15 of this Schedule shall, so far as applicable, apply with any necessary modifications:

Provided that the person procuring the sample shall be empowered to take any such steps at the dairy as may be necessary to satisfy him that the sample is a fair sample of the milk of the cows when properly and fully milked.

<p>Construction in section as incorporated of references to "the Minister".</p>	<p>Section of Public Health Act, 1936, incorporated in this Act</p> <p>Section 284 (Authentication of documents) Section 285 (Service of notices, etc.) Section 286 (Proof of resolutions, etc.) Section 289 (Power to require occupier to permit works to be executed by owner) Section 303 (Mode of reference to arbitration)</p> <p>Section 304 (Judges and justices not to be disqualified by liability to rates) Section 311 (Loans by Public Works Loans Commissioners) Section 317 (Amendment of Public Health Act, 1875, s. 303) Section 318 (Local inquiries)</p> <p>Section 320 (Relinquishment of functions by district councils)</p>
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In this section "the Minister"—
(a) in relation to arbitrations under subsection (4) of section nine of this Act in respect of milk, or in respect of meat or meat products seized while in a slaughterhouse or in the course of importation, means the Minister of Agriculture, Fisheries and Food, and
(b) in relation to other arbitrations, means the Minister of Health.

In this section "the Minister", in relation to anything authorised to be done under this Act by any Minister or Ministers, or by the Board of Trade, means that Minister or those Ministers, or the said Board, as the case may be.
In this section "the Minister"—
(a) in relation to functions of councils of county districts under Part III of this Act, means the Minister of Housing and Local Government;
(b) in relation to functions of such councils under Part IV of this Act, means the Minister of Agriculture, Fisheries and Food;
(c) in relation to functions of such councils under regulations made under this Act (other than regulations made by the Board of Trade) means the Minister of Health and the Minister of Agriculture, Fisheries and Food, acting jointly;
(d) in relation to functions of such councils under regulations made under this Act by the Board of Trade, means that Board; and

EIGHTH SCHEDULE
GOVERNMENT DEPARTMENTS SPECIALLY AUTHORISED TO
INSTITUTE PROCEEDINGS FOR OFFENCES

<p>Minister or Department</p> <p>The Minister of Agriculture, Fisheries and Food</p> <p>The Minister of Health</p> <p>The Board of Trade</p>	<p>Offences for which proceedings may be instituted</p> <p>An offence against section one, section two or section six of this Act, other than an offence committed in respect of a drug; An offence against section eight of this Act committed in respect of milk, or in respect of meat or meat products while in a slaughterhouse or in the course of importation; An offence against section twelve of this Act; An offence against regulations made by the Ministers under section four or section seven of this Act. An offence against section eight of this Act, other than an offence committed in respect of milk, or in respect of meat or meat products while in a slaughterhouse or in the course of importation; An offence against section sixteen, section twenty-two or section twenty-seven of this Act. An offence against regulations made by the Board under section seven of this Act.</p>
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NINTH SCHEDULE
INCORPORATION OF PROVISIONS OF PUBLIC HEALTH ACT,
1936, AND POWER TO AMEND LOCAL ACTS
PART I
SECTIONS INCORPORATED

<p>Section of Public Health Act, 1936, incorporated in this Act</p> <p>Section 271 (Interpretation of "provide") Section 272 (Power of councils to combine for purposes of Act) Section 273 (Provisions as to sub-committees) Section 277 (Power of councils to require information as to ownership of premises) Section 283 (Notices to be in writing; forms of notices, etc.)</p>	<p>Construction in section as incorporated of references to "the Minister"</p> <p>In this section "the Minister"— (a) in relation to the purposes of sections fifteen, sixteen to twenty, twenty-three, twenty-six and twenty-seven of this Act, means the Minister of Health; (b) in relation to the purposes of Part III of this Act, means the Minister of Housing and Local Government; and (c) in relation to other purposes means the Minister of Agriculture, Fisheries and Food.</p>
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Section of Public Health Act, 1936, incorporated in this Act

Section 320 (Relinquishment of functions by district councils)—*cont.*
Sections 321 to 325 (Default powers in relation to functions of councils)

Construction in section as incorporated of references to "the Minister"

(e) in relation to any other functions of such councils, means the Minister of Health.

In these sections "the Minister"—

(a) means the Minister of Health in relation to functions of councils or joint boards under any of the following provisions of this Act, that is to say—

(i) sections fifteen, sixteen to twenty, twenty-two, twenty-three, twenty-five, twenty-six and twenty-seven;

(ii) section eighty-seven, so far as it relates to the enforcement and execution of sections eight and nine of this Act (except in their application to milk, or to meat or meat products while in a slaughterhouse or in the course of importation) and to the enforcement and execution of section thirty-one of this Act;

(iii) any other provision of this Act, so far as it relates to drugs;

(b) in relation to functions of councils or joint boards under Part III of this Act, means the Minister of Housing and Local Government;

(c) in relation to functions of councils or joint boards under regulations made under this Act (other than regulations made by the Board of Trade) means the Minister of Health and the Minister of Agriculture, Fisheries and Food, acting jointly;

(d) in relation to functions of councils or joint boards under regulations made under this Act by the Board of Trade, means the said Board; and

(e) in relation to any other functions of councils or joint boards means the Minister of Agriculture, Fisheries and Food.

Section 328 (Powers of Act to be cumulative)

PART II

PROVISION CORRESPONDING TO PUBLIC HEALTH ACT, 1936, s. 313

1.—(1) Where there is in force—

(a) in any county borough a local Act, the Bill for which was promoted by the council of the borough, or

(b) in any county or county district a local Act, the Bill for which was promoted either by the county council or by the local authority of the district,

and the said Act contains provisions which were in force at the date of the passing of one of the repealed enactments and appear to the Minister of Health either—

(i) to be inconsistent with the provisions of this Act which correspond to those of that repealed enactment, or

(ii) to have become redundant in consequence of the passing of that repealed enactment,

the following provisions of this paragraph shall have effect.

(2) The Minister of Health may on the application, in the case mentioned in sub-paragraph (a) of the foregoing paragraph, of the council of the county borough and, in the case mentioned in sub-paragraph (b) of that paragraph, of the county council or the local authority, by order make such alterations in the said local Act (whether by amendment or repeal) as appear to him to be necessary for the purpose—

(a) in the case mentioned in sub-paragraph (i) of the said paragraph, of bringing the provisions of the local Act into conformity with the provisions mentioned in that sub-paragraph, or

(b) in the case mentioned in sub-paragraph (ii) of that paragraph, of removing the redundant provisions.

(3) In this paragraph the expression "repealed enactment" means any enactment repealed by this Act, or by the Food and Drugs (Milk, Dairies, and Artificial Cream) Act, 1950.

2. The foregoing paragraph applies in relation to a local Act the Bill for which was promoted by any authority, board, commissioners, trustees or other body whose functions under the local Act became exercisable by the council of a county or county borough, or by a local authority, as if the Bill for that Act had been promoted by the said council or authority.

3. The power to make orders under this Part of this Schedule shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

TENTH SCHEDULE

PROVISIONS RELATING TO NORTHERN IRELAND

1. Subject to the following provisions of this Schedule,—
 - (a) sections four, five, seven and thirteen of this Act shall apply to Northern Ireland so far as they relate to importation;
 - (b) the following provisions of this Act, that is to say—
 - subsection (4) of section eighty-two,
 - subsections (1) and (3) of section eighty-seven,
 - subsections (3), (4) and (6) of section ninety-one,
 - subsections (1) and (3) of section ninety-three,
 - section ninety-seven,
 - subsections (1) to (6) of section one hundred,
 - subsections (1) and (2) of section one hundred and one,
 - section one hundred and three,
 - section one hundred and seven,
 - subsections (1) and (3) of section one hundred and nine,
 - subsection (4) of section one hundred and ten,
 - section one hundred and thirteen,
 - subsections (1), (2), (5) and (6) of section one hundred and twenty-three,
 - subsections (1) and (2) of section one hundred and twenty-four,
 - the Sixth Schedule, with respect to the enforcement and execution of an order under section five of this Act,
 - Part I of the Seventh Schedule, and
 - the Eighth Schedule, with respect to an offence against regulations made under section four of section seven of this Act,
- shall apply to Northern Ireland so far as they relate,—
- (i) to regulations and orders made or to be made under Part I of this Act (other than regulations made or to be made by the Board of Trade), being regulations and orders which apply to Northern Ireland, or
 - (ii) to the enforcement or execution of such regulations or orders;
- (c) section one hundred and twenty-two of this Act shall apply to Northern Ireland, except so far as it relates to functions of the Crown in respect of Irish services within the meaning of the Government of Ireland Act, 1920, or to property held on behalf of the Crown for the purposes of such services, and sections one hundred and twenty-three and one hundred and twenty-four of this Act shall apply to Northern Ireland so far as they relate to an Order in Council made under the said section one hundred and twenty-two and extending to Northern Ireland;
 - (d) section one hundred and thirty-six of this Act shall apply to Northern Ireland so far as it effects the repeal of subsection (2) of section one hundred and two of the Food and Drugs Act, 1938, and of the Food and Drugs Amendment Act, 1954.

2. In the application to Northern Ireland of any enactment referred to in the foregoing paragraph—

- (a) any reference to the Ministers shall be construed as a reference to the Secretary of State, the Minister of Health and the Minister of Agriculture, Fisheries and Food, acting jointly;
- (b) references to the Board of Trade shall be omitted, and references to regulations shall be construed as excluding references to regulations made by the said Board;
- (c) any reference to a council shall be construed as, and any reference to a food and drugs authority shall be construed as including, a reference to a health authority or a port sanitary authority;
- (d) any reference to a sampling officer shall be construed as a reference to an officer authorised in that behalf by any such authority as aforesaid or by the Minister of Agriculture, Fisheries and Food;

and the provisions of this Act which are specified in the first column of the following Table shall, in their application to Northern Ireland, have effect subject to the additional modifications specified in relation thereto in the second column of that Table.

TABLE
Provision of this Act applying to Northern Ireland Modification

Section 4:	Subsection (1)...	In paragraph (c) for the reference to England and Wales there shall be substituted a reference to Northern Ireland.
Section 5:	Subsection (4)...	For the reference to section nine of this Act there shall be substituted a reference to any corresponding Northern Irish enactment.
Section 87:	Subsection (1)...	The words "production" and "or use" shall be omitted.
Section 87:	Subsection (3)...	The reference to summary conviction shall be construed as a reference to conviction in accordance with the Northern Irish enactments relating to summary jurisdiction.
Section 87:	Subsection (3)...	Paragraph (c) shall be modified so as to have effect as follows:— “(a) in the case of regulations made under Part I of this Act, health authorities, port sanitary authorities or the Commissioners of Customs and Excise”;
		The reference to any authority concerned in the administration of this Act shall be construed as a reference to any authority concerned in the administration of any corresponding Northern Irish enactment.

Provision of this Act applying to Northern Ireland
Section 100:

Modification

Subsection (6)... The subsection shall be modified so as to have effect as follows:—

“(6) Nothing in this section shall authorise any person, except with the permission of the health authority under the Diseases of Animals Acts (Northern Ireland), 1894 to 1955, to enter any cowshed or other place in which an animal affected with any disease to which those Acts apply is kept and which is situated in a place declared under those Acts to be infected with such a disease.”

Section 101:

Subsection (1)... The reference in paragraph (b) to any home-going ship shall be omitted.

Section 103

... The section shall be modified so as to have effect as follows:—

“(1) An inspector of the Minister of Agriculture, Fisheries and Food shall, for the purpose of ascertaining whether there is or has been any contravention of the provisions of any regulations or order made under this Act and applying to Northern Ireland, have the powers of entry specified in the following subsection.

(2) The powers of entry referred to in the foregoing subsection are the like powers of entry as are exercisable under section one hundred or section one hundred and one of this Act by an authorised officer of a council; and in relation to any such inspector the hundred of this Act to the council shall be construed as a reference to the Minister of Agriculture, Fisheries and Food.”

Section 109:

Subsection (3)... Paragraph (a) shall be omitted.

Section 110:

Subsection (4)... The words “under this Act” and paragraph (b) shall be omitted.

Section 122:

Subsection (1)... The reference to this Act shall include a reference to any corresponding Northern Irish enactment, and the reference to regulations shall be construed accordingly.

Provision of this Act applying to Northern Ireland
Section 123:

Modification

Subsection (1)... In paragraph (a), the reference to this Act shall include a reference to any corresponding Northern Irish enactment.

In paragraph (b) the reference to any Act shall include a reference to any Northern Irish enactment, and the reference to this Act shall include a reference to any corresponding Northern Irish enactment.

In paragraph (c), the reference to a magistrates' court shall be construed as a reference to a court of summary jurisdiction constituted in accordance with the Northern Irish enactments relating to summary jurisdiction.

In paragraph (e), for the reference to section one hundred and six of this Act there shall be substituted a reference to the corresponding Northern Irish enactment.

Section 124:

Subsection (2)... Paragraph (c) shall be omitted.

7th Schedule, Part I In paragraph 2, sub-paragraph (2) shall be omitted.

For the reference in paragraph 3 to England and Wales, and for each of the references in paragraph 4 to England or Wales, there shall be substituted a reference to Northern Ireland;

In paragraph 9, for the words “in accordance with section ninety-two of this Act” there shall be substituted the words “as if the sample had been procured under section thirteen of the Sale of Food and Drugs Act, 1875”.

3. Any regulations or order made under this Act and extending to Northern Ireland shall provide for applying, in relation to offences thereunder, the provisions of section one hundred and eight of this Act or of any corresponding Northern Irish enactment, subject to such modifications or adaptations (if any) as may be specified in the regulations or order.

4. Any expenses incurred in the enforcement or execution of regulations with respect to the importation of food (including milk) in Northern Ireland—

(a) if incurred by a health authority, shall be defrayed in like manner as expenses are defrayed under subsection (1) of section twenty-five of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, or under that section as amended or re-enacted (with or without modifications) by any Northern Irish enactment;

(b) if incurred by a port sanitary authority, shall be defrayed in like manner as expenses are defrayed under subsection (4) of section nine of the Public Health (Ireland) Act, 1896, or under that section as amended or re-enacted (with or without modifications) by any Northern Irish enactment.

5. In the foregoing provisions of this Schedule "Northern Irish enactment" means any enactment for the time being in force in Northern Ireland, including any enactment of the Parliament of Northern Ireland.

6. The provisions of this Act referred to in subsection (2) of section one hundred and thirty-four of this Act are the following, that is to say:—

- (a) subsection (3) of section ninety-three and section one hundred and fourteen;
- (b) subsection (1) of section eighty-seven, subsections (3), (4) and (6) of section ninety-one, subsections (1) and (3) of section ninety-three, section ninety-seven, subsections (1) to (6) of section one hundred, subsections (1) and (2) of section one hundred and one, sections one hundred and three and one hundred and seven, subsections (1) and (3) of section one hundred and nine, subsection (4) of section one hundred and ten, section one hundred and thirteen, the Sixth Schedule, Part I of the Seventh Schedule and the Eighth Schedule.

ELEVENTH SCHEDULE

REPEALS

Session and Chapter, or Serial Number	Short title	Extent of Repeal
1 & 2 Geo. 6 c. 56 S.R. & O. 1946 No. 1757	The Food and Drugs Act, 1938 The Transfer of Functions (Secretary of State and Minister of Health) Order, 1946 The National Health Service Act, 1946	The whole Act. In Article 3, paragraphs (8) and (9); in the Schedule, the entry relating to section fifty-six of the Food and Drugs Act, 1938. In Part I of the Tenth Schedule, the entry relating to the Food and Drugs Act, 1938. The whole Order.
9 & 10 Geo. 6 c. 81	The Transfer of Functions (Food and Drugs) Order, 1948	The whole Order.
S.I. 1948 No. 107	The Transfer of Functions (Secretary of State and Minister of Health) Order, 1948	In Article 2, paragraphs (a) and (b).
S.I. 1948 No. 865	The Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950	The whole Act.
14 Dec. 6 c. 35		

Session and Chapter, or Serial Number	Short title	Extent of Repeal
S.I. 1951 No. 753	The Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 2) Order, 1951	In the Schedule, the entry relating to the Food and Drugs Act, 1938.
S.I. 1952 No. 2033	The Transfer of Functions (Slaughterhouses and Knackers' Yards) Order, 1952	In Article 2, in paragraph (1), sub-paragraphs (b) to (f); and Article 4.
S.I. 1954 No. 141	The Transfer of Functions (Markets) Order, 1954	In Article 2, in paragraph (1), sub-paragraph (a), sub-paragraph (b) so far as it relates to the confirmation of byelaws under section fifty-six of the Food and Drugs Act, 1938, and sub-paragraphs (c) and (d). In section three.
2 & 3 Eliz. 2 c. 42	The Slaughterhouses Act, 1954	In section nineteen, paragraphs (g) and (c). In section twenty, subsection (2). In section one, subsections (1) to (3). In subsection (2) of section nine, the words "and except so far as it amends the Food and Drugs Act, 1938". In Part I of the Second Schedule, the entry relating to the Food and Drugs Act, 1938. The whole Act.
2 & 3 Eliz. 2 c. 59	The Slaughter of Animals (Amendment) Act, 1954	The whole Order, except so far as it relates to functions under the Welfare Foods (Great Britain) Order, 1954.
2 & 3 Eliz. 2 c. 67 S.I. 1955 No. 959.	The Food and Drugs Amendment Act, 1954 The Transfer of Functions (Food and Drugs) Order, 1955.	The whole Act.

TWELFTH SCHEDULE

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

TRANSITIONAL PROVISIONS

Regulations and Orders

1.—(1) Any regulations which, immediately before the commencement of this Act, were in force under any enactment repealed by this Act (whether made under that enactment or under an earlier enactment replaced thereby) shall continue in force, and shall have effect, as regulations made under the corresponding provision of this Act; and references in this Act to regulations made thereunder shall be construed accordingly.

(2) Any regulations made under Part I or Part III of the Food and Drugs Act, 1938, and continued in force by the foregoing sub-paragraph shall have effect (subject to any variation thereof by regulations under this Act) as if they contained a provision making any contravention thereof, or failure to comply therewith, an offence under this Act.

(3) Any order having effect under the Public Health (Shellfish) Regulations, 1934 (being certain Regulations made under enactments repealed by the Food and Drugs Act, 1938, and continued in force by that Act), being an order which was in force immediately before the commencement of this Act—

(a) shall continue in force under the said Regulations of 1934, and
(b) may be further continued by regulations made under section thirteen of this Act, as if it had been made under such regulations.

2.—(1) Any order made under Regulation 2 of the Defence (Sale of Food) Regulations, 1943 (being Regulations revoked by the Food and Drugs Amendment Act, 1954, with a saving for orders made thereunder), being an order which was in force immediately before the commencement of this Act shall—

(a) in the case of an order made by the Minister of Food, or by the Minister of Agriculture, Fisheries and Food, for the purposes of sub-paragraph (a) of paragraph (1) of the said Regulation 2, continue in force and have effect as if contained in regulations made by the Ministers under section seven of this Act.

(b) in the case of an order made by the Board of Trade for the purposes of the said sub-paragraph (a), continue in force and have effect as if contained in regulations made by the Board under the said section seven, and

(c) in the case of an order made by the Minister of Food, or by the Minister of Agriculture, Fisheries and Food, for the purposes of sub-paragraph (b) of paragraph (1) of the said Regulation 2, continue in force and have effect as if contained in regulations made by the Ministers under section four of this Act;

and references in this Act to regulations made thereunder shall be construed accordingly.

(2) Any order to which the foregoing sub-paragraph applies may be varied or revoked accordingly by regulations made under section four or section seven of this Act, as the case may be.

(3) Any order to which sub-paragraph (1) of this paragraph applies shall have effect (subject to any variation thereof by regulations under this Act) as if it contained a provision making any contravention thereof or failure to comply therewith, an offence under this Act; and any such order shall also have effect as if it specified, as the authority to enforce and execute within their area the provisions of the order,—

(a) in the case of an order made by the Minister of Food, or by the Minister of Agriculture, Fisheries and Food, food and drugs authorities,

(b) in the case of an order made by the Board of Trade, local authorities for the purposes of the Weights and Measures Acts, 1878 to 1936.

General

3. Any order, byelaw, notice, registration, licence, application, declaration, resolution, direction, requirement, consent, approval, certificate, decision, determination, agreement, apportionment, instrument or other thing whatsoever which was made, effected, granted, renewed, passed, issued, given, or done under any enactment repealed by this Act shall, if in force immediately before the commencement of this Act, continue in force and have effect as if made, effected, granted, renewed, passed, issued, given or done under the corresponding enactment in this Act.

4. Without prejudice to the generality of the foregoing provisions of this Schedule and without prejudice to any provision of this Act which refers to things done, made, or given or having effect as if given, under any enactment repealed by this Act,—

(a) anything begun under or for the purposes of any enactment repealed by this Act may be continued, as if begun under, or for the purposes of, the corresponding provision of this Act, subject in all respects to the like provisions;

(b) where any provision of this Act refers expressly or by implication to things done or made, or falling to be done or made, or to things suffered (including convictions), or to events which have occurred, at any time in the past, under or for the purposes of, or by reference to, this Act or under, or for the purposes of, or by reference to, a particular provision or particular provisions of this Act, then so far as may be necessary for securing the continuity of the law contained in the enactments repealed by this Act that reference shall be construed as, or as including, a reference to things done or made, or falling to be done or made, or to things suffered, (including convictions), or to events which have occurred, under, or for the purposes of, or by reference to, the enactments repealed by this Act or the corresponding provision or provisions thereof.

Provided that—

(i) subsection (3) of section seventy-seven of this Act shall apply only to resolutions passed after the twenty-fourth day of November, nineteen hundred and fifty-four; and

(ii) sections one hundred and six and one hundred and seven of this Act shall not be taken as applying in relation to offences committed before the commencement of this Act.

5. So much of any enactment or document, including enactments and documents passed or made after the passing of this Act, as refers expressly or by implication to any Act repealed by this Act, or to any enactment contained in such an Act, shall, if and so far as the nature of the subject-matter of the enactment or document permits, be construed as referring to this Act, or to the corresponding provision therein, as the case may be.

PART II SAVINGS

6. No repeal effected by the Food and Drugs Act, 1938, shall be taken as having affected any rights, duties or privileges vested in, or imposed on, the council of the metropolitan borough of Woolwich in relation to their markets.

7.—(1) The repeal by this Act of section five of the Slaughterhouses Act, 1954, and of section twenty-eight of the Food and Drugs Amendment Act, 1954, shall not affect—

(a) any liability of a local authority to pay compensation under subsection (2) or subsection (4) of section five of the Slaughterhouses Act, 1954, being a liability which has not been discharged before the commencement of this Act,

(b) the continued operation of subsection (3) of section twenty-eight of the Food and Drugs Amendment Act, 1954, in relation to compensation payable by virtue of either of the said subsections (2) and (4), or

(c) the power of the Minister to make to a local authority, in respect of any such liability incurred by them as is mentioned in paragraph (a) of this subsection, such a grant as is specified in subsection (8) of section five of the Slaughterhouses Act, 1954;

but any claim to such compensation as aforesaid may be proceeded with and determined, and the Minister may make such a grant as aforesaid, in the same manner and subject in all respects to the same provisions as if this Act had not been passed.

(2) Notwithstanding anything in this Act, the First Schedule to the Slaughterhouses Act, 1954 (by which temporary provision was made for the grant of licences as of right in the case of certain slaughterhouses, subject to the premises in question being, or being rendered, suitable), shall continue after the commencement of this Act to have the same operation in relation to slaughterhouse licences within the meaning of this Act, and to their grant, renewal or cancellation, as it would, if this Act had not been passed, have had in relation to slaughterhouse licences within the meaning of the said Act of 1954, and to their grant, renewal or cancellation, and—

(a) any reference in the First Schedule to the Slaughterhouses Act, 1954, to a particular provision or particular provisions of that Act or of the Food and Drugs Act, 1938, shall be construed as, or as including, a reference to the corresponding provision or provisions of this Act;

(b) subsection (2) of section sixty-five of this Act shall have effect subject to the same limitation as that to which the corresponding enactment in subsection (3) of section one of the Slaughter of Animals (Amendment) Act, 1954, was made subject by virtue of paragraph (b) of the last-mentioned subsection.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health Act, 1875	38 & 39 Vict. c. 55.
Sale of Food and Drugs Act, 1875	38 & 39 Vict. c. 63.
Municipal Corporations Act, 1882	45 & 46 Vict. c. 50.
Board of Agriculture Act, 1889	52 & 53 Vict. c. 30.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Public Health (Ireland) Act, 1896	59 & 60 Vict. c. 54.
Re-election of Ministers Act, 1919	9 & 10 Geo. 5. c. 2.
Census Act, 1920	10 & 11 Geo. 5. c. 41.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Markets and Fairs (Weighing of Cattle) Act, 1926	16 & 17 Geo. 5. c. 21.
Sale of Food (Weights and Measures) Act, 1926	16 & 17 Geo. 5. c. 63.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
House of Commons Disqualification (Declaration of Law) Act, 1935	25 & 26 Geo. 5. c. 38.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Food and Drugs Act, 1938	1 & 2 Geo. 6. c. 56.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Patents Act, 1949	12, 13 & 14 Geo. 6. c. 87.
Shops Act, 1950	14 Geo. 6. c. 28.
Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950	14 Geo. 6. c. 35.
Diseases of Animals Act, 1950	14 Geo. 6. c. 36.
Dangerous Drugs Act, 1951	14 & 15 Geo. 6. c. 48.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Slaughterhouses Act, 1954	2 & 3 Eliz. 2. c. 42.
Slaughter of Animals (Amendment) Act, 1954	2 & 3 Eliz. 2. c. 59.
Food and Drugs Amendment Act, 1954	2 & 3 Eliz. 2. c. 67.

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