The Improvement of Live Stock (Licensing of Boars) (England and Wales) Regulations, 1949

1949 No. 1899

Made - - - -	*12th October*, 1949
Laid before Parliament	*13th October*, 1949
Coming into Operation	*24th October*, 1949

In pursuance of section eleven of the Improvement of Live Stock (Licensing of Bulls) Act, 1931(**a**), hereinafter referred to as "the Act", as amended and applied to boars by section six of the Agriculture (Miscellaneous Provisions) Act, 1944(**b**), hereinafter referred to as "the amending Act", and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries hereby makes the following regulations:—

Citation and Interpretation

1.—(1) These regulations (which apply to England and Wales) may be cited as the Improvement of Live Stock (Licensing of Boars) (England and Wales) Regulations, 1949, and shall come into operation on the twenty-fourth day of October, 1949.

(2) The Improvement of Live Stock (Licensing of Boars) (England and Wales) Regulations, 1945(**c**) are hereby revoked, but such revocation shall not affect the validity of any notice duly served thereunder or any proceedings duly undertaken by virtue of those regulations, which shall have effect as if served under or undertaken by virtue of the corresponding provisions of these regulations.

2.—(1) In these regulations, the expressions "the Minister" and "the Ministry" mean the Minister and the Ministry of Agriculture and Fisheries respectively.

(2) The Interpretation Act, 1889(**d**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Prescribed Age of Boar

3. For the purpose of subsection (1) of Section 1 of the Act the prescribed age shall be the age of 6 months.

Prescribed Approved Breeding Societies

4. For the purpose of subsection (3) of Section 6 of the amending Act an "approved breeding society" means one of the pig breeding societies named in the First Schedule to these Regulations.

Manner of Making Application for Licence or Permit

5.—(1) An application for the grant of a licence shall be in the Form A set out in the Second Schedule to these Regulations, or in a form to the like effect.

(2) An application for the grant of a permit shall be made in the Form B set out in the said Second Schedule, or in a form to the like effect.

(a) 21 & 22 Geo. 5. c. 43.
(b) 7 & 8 Geo. 6. c. 28.
(c) S.R. & O. 1945 (No. 1694) I, p. 31.
(d) 52 & 53 Vict. c. 63.

Time for making Application for Licence or Permit

6. The first application made for a licence or permit in respect of any boar shall be forwarded to the Ministry not later than twenty-eight days before the boar attains the prescribed age. In the case of a boar which is imported or brought into England or Wales and which at the date of entry into England or Wales has attained the prescribed age such application shall be made within fourteen days after that date.

Conditions as to Inspection and Marking of Boars

7. The following shall be the conditions as to inspection and marking of a boar before the grant of a licence or permit:—

(*a*) A boar shall be inspected by an Officer of the Ministry and for this purpose the Minister may require the owner of a boar to make it available for inspection at any place or time that has been notified to the owner, and the owner shall provide all reasonable facilities and assistance for the purpose of the inspection and marking of a boar. Provided that a boar that has previously been inspected for any other purpose on behalf of the Minister may with the consent of the Minister be exempted from the inspection prescribed by this rule.

(*b*) A boar, if found suitable after inspection for a licence, shall be marked by an Officer of the Ministry in or on the right ear or, if that is impracticable, on some other appropriate place with a design consisting of a Crown. The said mark may be used in conjunction with letters or numbers or both.

(*c*) A boar which has been found unsuitable for a licence by the inspecting officer, or a boar in respect of which a licence has been revoked, or a boar in respect of which a permit has been granted shall be marked by an Officer of the Ministry in or on the left ear, or, if that is impracticable, on some other appropriate place with the letter "R". The said mark may be used in conjunction with other letters or numbers or both.

Form for Licence or Permit

8.—(1) A licence granted under the Act shall be in accordance with Form C set out in the Second Schedule to these Regulations, or in a form to the like effect.

(2) A permit granted under the Act, shall be in accordance with Form D set out in the said Second Schedule, or in a form to the like effect.

Duplicates of Licences or Permits

9. Where a licence or a permit granted in respect of a boar has been lost or destroyed the owner of the boar may apply to the Minister in accordance with Form E set out in the Second Schedule to these Regulations, or in a form to the like effect, for a duplicate of the licence or permit to be issued ; and the Minister on being satisfied that a duplicate licence or permit should be issued may issue the same to the owner.

Change of Place at which Permit Boars may be kept

10. Where in accordance with a permit granted under the Act a boar is required to be kept in a specified place, and the owner of the boar desires authority to substitute another place for that specified in the permit, he shall make application to the Minister in writing.

Application for Referee's Inspection

11. If the Minister

(*a*) refuses to grant a licence in respect of a boar, or

(*b*) revokes a licence in respect of a boar on any ground other than that a condition of the licence has been contravened or not complied with, or

(*c*) serves a notice of suspension,

the applicant for or holder of the licence, as the case may be, may, by application in manner hereinafter mentioned, require within fourteen days from the date of the notification from the Minister of the refusal or revocation of the licence, or of the service of the notice, as the case may be, that the boar be inspected by a referee. Any such application shall be made in the form set out in Form F in the Second Schedule to these regulations, or in a form to the like effect.

On receipt of the referee's report the Minister shall give notice to the applicant in writing of the result of his application.

Fees

12.—(1) The fees hereby prescribed in respect of an application for the grant of a licence or permit or for a duplicate thereof or for a referee's inspection are:—

	£	*s.*	*d.*
Licence or Permit		5	0
Provided that if the prescribed fee has been paid in respect of an application for a licence that has been refused no further fee will be payable in respect of a permit.			
Duplicate Licence or Permit		2	6
Referee's Inspection	2	2	0

(2) The prescribed fee shall be remitted to the Ministry with the corresponding application.

(3) If, not later than three days prior to the visit of inspection in accordance with regulation 7 (*a*) or regulation 11 of these regulations, the relative application for a licence, permit or referee's inspection is withdrawn by means of a written notice given by the applicant to the Ministry, the Ministry may return the fee to the applicant.

Service of Documents

13. A notice or other document required or authorised by the Act to be given or served by the Minister or any officer of the Ministry to or on any person may be given or served either personally or by post and if served by post shall be addressed:—

(*a*) in the case of a notice or other document required or authorised to be given or served to or on a person being an applicant for a licence or permit, to that person at the address stated in the application;

(*b*) in the case of a notice or other document required or authorised to be given or served to or on a person being the holder of a permit, or to or on a person stated in a permit to be the owner of the boar to which it relates, to that person at the address stated in the permit, or, if a change of address has been notified, at the address which was last so notified;

(*c*) in any other case to the person on whom the notice or other document is to be served, at his last known place of abode or business.

An application, notice or other document required or authorised by the Act or by these Regulations to be made, given or sent by any person to the Minister or the Ministry shall be made, given or sent by post addressed in the case of a boar kept in England, except Monmouth, to "The Secretary, Ministry of Agriculture and Fisheries, London," and in the case of a boar kept in Wales or Monmouth to "The Secretary, Ministry of Agriculture and Fisheries, Welsh Department, Aberystwyth".

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twelfth day of October, 1949.

(L.S.) *Donald E. Vandepeer,*
Secretary.

NOTE.—A copy of any of the Forms A, B, E or F, set out in the Second Schedule to these Regulations, will be supplied free of charge to any person on application to the Secretary of the Ministry of Agriculture and Fisheries, London.

THE FIRST SCHEDULE

Approved Pig Breeding Societies

Cumberland Pig Breeders' Association
Essex Pig Society
Gloucestershire Old Spots Pig Society
Lincolnshire Curly-Coated Pig Breeders' Society
National Lop-eared Pig Society
National Pig Breeders' Association
Welsh Pig Society

THE SECOND SCHEDULE

FORM A

MINISTRY OF AGRICULTURE AND FISHERIES

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (ENGLAND AND WALES) REGULATIONS, 1949

APPLICATION FOR A LICENCE TO KEEP A BOAR

Description of boar

Name of boar.....

Breed or type.....Date of birth.....19....
Day Month Year

Is the boar pure bred?.....Breed society marks (if any).....

Is the boar registered with the breed society?.....

If not is the boar eligible for registration with the breed society?.....

Premises on which boar is kept

Full postal address of premises.....

.....

County .....Parish.....

Nearest town or village.....Distance of farm from nearest town or village.....

If boar is to be sent to a sale within six weeks state sale and date.....

.....

Particulars as to ownership

Name and address of owner of boar.....

.....

I hereby apply for a licence in respect of the above described boar and I hereby certify the foregoing particulars to be correct.

I enclose †.....for 5s. in payment of the prescribed fee.

I am the *owner/agent for the *owner/lessee/part-owner of the boar in question.

Tel. No. .....Signature.....

Address .....

Date.....19....

† State whether cheque, postal order or money order.
* Strike out words that do not apply.

FORM B

MINISTRY OF AGRICULTURE AND FISHERIES

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (ENGLAND AND WALES) REGULATIONS, 1949

APPLICATION FOR A PERMIT TO KEEP AN UNLICENSED BOAR

Description of boar

Name ..... Breed or type.....

Date of birth..... 19.. Day Month Year

Breed society marks (if any).....

Other identification marks.....

Full address of premises at which boar will be kept while a permit is in force

.....

County..... Parish.....

Full name and address of owner of boar.....

.....

I hereby apply for a permit to keep the boar described above until.....

.....for the purpose of.....

I am the *owner/agent for the *owner/lessee/part-owner of the boar in question.

I enclose †.....for 5s. in payment of the prescribed fee.

Signature..... Address.....

Date.....19..

* Strike out words that do not apply.
† State whether cheque, postal order or money order.

No.....

FORM C

MINISTRY OF AGRICULTURE AND FISHERIES

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (ENGLAND AND WALES) REGULATIONS, 1949

LICENCE FOR BOAR

Description of boar

Name..... Breed or type.....

Born in the month of.....in the year 19..

Earmarks.....

Other identification marks.....

This is to certify that the boar described above is licensed under the Improvement of Live Stock (Licensing of Bulls) Act, 1931 (as amended and applied to boars).

Dated this.....day of.....19..

Secretary.

FORM D

MINISTRY OF AGRICULTURE AND FISHERIES

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (ENGLAND AND WALES) REGULATIONS, 1949

PERMIT FOR BOAR

Description of boar

Name..... Breed or type.....

Born in the month of.....in the year 19..

Earmarks.....

Other identification marks.....

The Minister of Agriculture and Fisheries hereby permits the above described unlicensed boar belonging to.....

of .....

in the county of.....to be retained until the.....

at.....in the county of.....

for the purpose of.....

subject to the following conditions:—

Dated this.....day of.....19..

Secretary.

FORM E

MINISTRY OF AGRICULTURE AND FISHERIES

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (ENGLAND AND WALES) REGULATIONS, 1949

APPLICATION FOR DUPLICATE OF LICENCE OR PERMIT

Description of boar

Name..... Breed or type.....

Date of birth.....19..
Day Month Year

Is the boar registered with the breed society?..... Breed society marks..... Other identification marks.....

Is the boar pure bred?.....

I, ... of .....

.....in the county of.....

certify that the * {Licence / Permit} No.....issued in the month of.....

of the year.....in respect of the boar described above, has been lost or destroyed, and I hereby apply for a duplicate. I enclose * {cheque / postal order / money order}

for 2s. 6d. in respect of the prescribed fee.

Date.....19.. Signature.....

Address.....

.....

* Strike out words that do not apply.

FORM F

MINISTRY OF AGRICULTURE AND FISHERIES

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (ENGLAND AND WALES) REGULATIONS, 1949

APPLICATION FOR A REFEREE'S INSPECTION

Description of boar

Name .....Breed or type.....

Born in the month of.....in the year 19....

Breed society marks.....Other identification marks.....

Number of licence (if any).....

Whereas the Minister of Agriculture and Fisheries has
*refused to grant / revoked / served a notice of suspension of } a licence in respect of the said boar

I, ... of.....

.....require a referee's inspection of the boar in accordance with Section 5 of the Improvement of Live Stock (Licensing of Bulls) Act, 1931 (as amended and applied to boars) and the Regulations made thereunder.

* Strike out words that do not apply.

The boar will be kept during the next 28 days at.....
.....in the county of.....
I enclose †.....for two guineas being the amount of the prescribed appeal fee (which is returnable in the event of the refusal, revocation or notice of suspension not being confirmed).

Signature of applicant.....
Address .....:.....
.....
Date .....19....

† State whether cheque, postal order, or money order.

EXPLANATORY NOTE

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

These regulations made under Section 6 of the Agriculture (Miscellaneous Provisions) Act, 1944 (which empowered the Minister of Agriculture and Fisheries to apply the provisions of the Improvement of Live Stock (Licensing of Bulls) Act, 1931, to pigs) revoke the Improvement of Live Stock (Licensing of Boars) (England and Wales) Regulations, 1945. They contain provisions similar to those of the regulations of 1945 apart from drafting amendments and changes in procedure relating to the licensing of boars imported or brought into England and Wales.

(2) SCOTLAND

The Licensing of Boars (Application to Scotland) Order, 1949

1949 No. 1911 (S. 131)

Made - - - -	*12th October*, 1949
Coming into Operation	*24th October*, 1949

Whereas by subsection (1) of section six of the Agriculture (Miscellaneous Provisions) Act, 1944(**a**), it is provided that the Improvement of Live Stock (Licensing of Bulls) Act, 1931(**b**), shall in Scotland, as from such day as may be appointed by the Secretary of State, apply to pigs as it applies to cattle ;

And Whereas the Secretary of State, in pursuance of the powers conferred upon him by the said Act of 1931 as amended and applied by the said Act of 1944, on the eighth day of March, 1946, made regulations entitled the Improvement of Live Stock (Licensing of Boars) (Scotland) Regulations, 1946(**c**), wherein it was provided that the said regulations should come into operation on the first day of May, 1946 ;

(a) 7 & 8 Geo. 6. c. 28. (b) 21 & 22 Geo. 5. c. 43.
(c) S.R. & O. 1946 (No. 334) I, p. 28.