The Improvement of Live Stock (Licensing of Boars) (Scotland) Regulations, 1949

1949 No. 1912 (S. 132)

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

In exercise of the powers conferred on me by section 11 of the Improvement of Live Stock (Licensing of Bulls) Act, 1931(**a**), as read along with section 6 of the Agriculture (Miscellaneous Provisions) Act, 1944(**b**), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

Short Title and Commencement

1. These regulations may be cited as the Improvement of Live Stock (Licensing of Boars) (Scotland) Regulations, 1949, and shall come into operation on the 24th day of October, 1949.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

" the Act " means the Improvement of Live Stock (Licensing of Bulls) Act, 1931 ;

" the amending Act " means the Agriculture (Miscellaneous Provisions) Act, 1944.

(2) The Interpretation Act, 1889(**c**), applies 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 six months.

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.

(**a**) 21 & 22 Geo. 5. c. 43. (**b**) 7 & 8 Geo. 6. c. 28. (**c**) 52 & 53 Vict. c. 63.

Application for Licences or Permits

5.—(*a*) An application for a licence to keep a boar shall be made in the form set out in Form A in the Second Schedule to these regulations or in a form to the like effect.

(*b*) An application for a permit to keep a boar shall be made in the form set out in Form B in the said Second Schedule or in a form to the like effect.

Time for Making Applications

6. An application for a licence or permit in respect of a boar shall be made 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 Scotland and which at the date of entry into Scotland has attained the prescribed age such application shall be made within fourteen days after that date.

Inspection and Marking of Boars

7.—(*a*) The owner of a boar in respect of which application for a licence or permit has been made, or any other person having such a boar in his possession or custody, shall provide all reasonable facilities and assistance for the inspection and marking of the boar by the inspecting officer:

Providing that a boar that has been previously inspected by the inspecting officer for any other purpose may, if the Secretary of State thinks fit, be exempted from the inspection prescribed by this regulation.

(*b*) When the Secretary of State decides to grant a licence in respect of a boar the inspecting officer shall mark the boar on the right ear or, if that is impracticable, on some other appropriate part of the body, with a design consisting of a thistle, and the said design may be used in conjunction with letters or numbers or both.

(*c*) When the Secretary of State decides to refuse or revoke a licence or to grant an application for a permit in respect of a boar the inspecting officer shall mark the boar on the left ear, or, if that is impracticable, on some other appropriate part of the body, with the letter "R". The said mark may be used in conjunction with other letters or numbers or both.

(*d*) When the inspecting officer deems it advisable or expedient so to do he may, immediately on completion of his examination of a boar and without awaiting the decision of the Secretary of State, mark the boar in manner provided for in paragraphs (*b*) and (*c*) of this regulation:

Provided that in a case where the inspecting officer is of opinion that a licence should be refused or revoked and the boar is otherwise readily identifiable the inspecting officer shall not mark the boar, but where in his opinion the boar is not otherwise readily identifiable he may mark the boar with letters or numbers or both in manner provided in paragraph (*b*) hereof, but not with the thistle design.

Form of Licence or Permit

8. A licence shall be in accordance with Form C set out in the Second Schedule to these regulations and a permit shall be in accordance with Form D set out in that Schedule.

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 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, and the Secretary of State on being satisfied that a duplicate licence or permit should be issued may issue the same to the owner.

Change of Place at which Boars under Permit may be kept

10. Where in terms of a permit the boar to which the permit relates is required to be kept in a place specified in the permit the owner of the boar may make application in accordance with Form F set out in the Second Schedule to these regulations or in a form to the like effect for another place to be substituted in the permit as the place where the boar is required to be kept.

Application for Referee's Inspection

11. If the Secretary of State

(*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 Secretary of State 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 G in the Second Schedule to these regulations or in a form to the like effect.

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

Fees

1964/123 **12.**—(*a*) The fees payable for a licence or permit or for a duplicate thereof or for a referee's inspection shall be

(1) in the case of a licence or permit—5s.;

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;

(2) in the case of a duplicate licence or permit—2s. 6d.;

(3) in the case of a referee's inspection—£2 2s.

(*b*) The appropriate fee shall be payable to the Secretary of State at the time when any application for a licence, permit, duplicate or a referee's inspection, as the case may be, is made.

(*c*) If, not later than three days prior to the inspection in accordance with regulation 7 (*a*) or regulation 11 hereof, the relative application for a licence, permit or a referee's inspection is withdrawn by means of a written notice given to the Secretary of State by the applicant, the Secretary of State may, if he thinks fit, return the fee to the applicant.

Service of Documents

13. Any notice or other document which is required or authorised by the Act or these regulations to be given to or served on any person, may be given or served as follows:—

(*a*) in the case of the Secretary of State, by delivering it or sending it addressed to the Secretary, Department of Agriculture for Scotland, St. Andrew's House, Edinburgh, 1 ;

(*b*) in the case of an applicant for a licence or permit, by delivering it or sending it addressed to him at the address stated in the application ;

(*c*) in the case of any other person, by delivering it or sending it addressed to him at his usual or last known place of abode or business.

Revocation of Existing Regulations

14. The Improvement of Live Stock (Licensing of Boars) (Scotland) Regulations, 1946(a), 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.

Dated the 12th day of October, 1949.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

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.

Royal Ulster Agricultural Society.

Welsh Pig Society.

(a) S.R. & O. 1946 (No. 334) I, p. 28.

THE SECOND SCHEDULE

FORM A

DEPARTMENT OF AGRICULTURE FOR SCOTLAND

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (SCOTLAND) REGULATIONS, 1949

APPLICATION FOR LICENCE TO KEEP A BOAR

Description of Boar:

Name..... Farrowed..... 19..

Breed or Type .....

Day of Month. Year.

Colour..... Ear Mark (if any).....

Other Identification Marks.....

Is the Boar entered or eligible for entry in the herd book of its breed?.....

If so entered state herd book reference..... No. of Volume.....

Sire of Boar..... Herd Book Reference.....

Dam of Boar..... Herd Book Reference.....

Premises on which Boar is kept
Full Postal Address of Premises.....

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

Nearest Railway Station (or Pier).....

Is Boar to be sent to a Sale? State sale and date.....

Particulars as to Ownership.
Name(s) and Address(es) of owner(s) of Boar.....

.....

Name and Address of Lessee (if any) of Boar.....

1.1.0
1964/123

I hereby apply for a licence in respect of the boar the particulars of which as furnished above I hereby certify to be correct, I enclose*.....for 5s. in payment of the prescribed fee.

I am † the owner / Agent for the owner } of the Boar in question.

Signature .....

Address .....

.....

Date .....

This application should be sent to The Secretary, Department of Agriculture for Scotland, St. Andrew's House, Edinburgh, 1.

Postage stamps should not be sent in payment of any fee and Bank Notes should not be sent in payment of fees except by registered post, and in one of the registered envelopes sold by the Post Office; cheques and postal and money orders sent in payment of any fee should be made payable to the order of the Department of Agriculture for Scotland and crossed "and Co.". Bankers' commission is not payable by the Department and allowance therefor need not therefore be made. The Department will not be responsible if letters containing money are lost in transit.

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

FORM B

DEPARTMENT OF AGRICULTURE FOR SCOTLAND

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (SCOTLAND) REGULATIONS, 1949

APPLICATION FOR A PERMIT TO KEEP A BOAR

Description of Boar:

Name..... Farrowed..... 19..
Day of Month. Year.

Breed or Type .....

Colour ..... Ear Mark (if any) .....

Other Identification Marks.....

Is the Boar Registered with a Breed Society? .....

If so, state Herd Book reference (if any)..... Page..... No. of Volume.....

Full Address of Premises at which Boar will be kept .....

.....

.....

Full name and address of owner of Boar .....

.....

I hereby apply for a Permit to keep the above described Boar until.....
for the purpose of .....

I am * the owner / Agent for the owner } of the Boar in question.

I enclose †.....for £1.1.0 in respect of the prescribed fee. 1964/123

Signature .....

Address .....

.....

Date .....

This application should be sent to The Secretary, Department of Agriculture for Scotland, St. Andrew's House, Edinburgh, 1.

Postage stamps should not be sent in payment of any fee and Bank Notes should not be sent in payment of fees except by registered post, and in one of the registered envelopes sold by the Post Office; cheques and postal and money orders sent in payment of any fee should be made payable to the order of the Department of Agriculture for Scotland and crossed "& Co.". Bankers' commission is not payable by the Department and allowance therefor need not therefore be made. The Department will not be responsible if letters containing money are lost in transit.

No.....

FORM C

DEPARTMENT OF AGRICULTURE FOR SCOTLAND

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (SCOTLAND) REGULATIONS, 1949

LICENCE FOR BOAR

Description of Boar:

Name..... Breed or Type.....

Farrowed in the month of.....in the year 19....

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* Strike out words that do not apply.

† State whether cheque, postal orders or money order.

Colour..... Ear Mark.....
Other Identification Marks.....
This is to certify that the above described boar, belonging to.....
..... of.....
.....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.

TRANSFER OF LICENCE

(Particulars to be entered only by the Department)

This Licence has been transferred by the Secretary of State for Scotland to..... of.....
.....

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

This Licence has been transferred by the Secretary of State for Scotland to..... of.....
.....

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

This Licence has been transferred by the Secretary of State for Scotland to..... of.....
.....

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

No.....

FORM D

DEPARTMENT OF AGRICULTURE FOR SCOTLAND

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (SCOTLAND) REGULATIONS, 1949

PERMIT FOR BOAR

Description of Boar:
Name..... Breed or Type.....
Farrowed in the month of.....in the year 19....
Colour..... Ear Mark.....
Other Identification Marks.....

The Secretary of State for Scotland hereby permits the above described unlicensed boar belonging to.....
of.....to be retained until the.....
..... at.....
.....for the purpose of.....
subject to the following conditions:—

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

I hereby certify that the above-described boar was slaughtered on the.....
.....day of.....19....

Signature .....

Address .....

.....

Date .....

FORM E

DEPARTMENT OF AGRICULTURE FOR SCOTLAND

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (SCOTLAND) REGULATIONS, 1949

APPLICATION FOR A DUPLICATE OF A LICENCE OR PERMIT

Description of Boar:

Name..... Farrowed..... 19..
Day of Month. Year.

Breed or Type.....

Colour..... Ear Mark.....

Other Identification Marks.....

Is the Boar Registered with a Breed Society?.....

If so, state Herd Book reference (if any)..... Page..... No. of Volume.....

Sire of Boar..... Herd Book reference.....

Dam of Boar..... Herd Book reference.....

I, ... of.....

.....certify that the Licence / Permit } No.....

issued to me 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 Licence.
Permit.

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I enclose *.....for ~~2s. 6d.~~ 50 in respect of the prescribed fee.

Signature .....

Address .....

.....

Date .....

This application should be sent to The Secretary, Department of Agriculture for Scotland, St. Andrew's House, Edinburgh, 1.

Postage stamps should not be sent in payment of any fee. Cheques and postal and money orders sent in payment of any fee should be made payable to the order of the Department of Agriculture for Scotland and crossed "& Co.". Banker's commission is not payable by the Department and allowance therefor need not therefore be made. The Department will not be responsible if letters containing money are lost in transit.

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* State whether cheque, postal orders, or money order.

FORM F

DEPARTMENT OF AGRICULTURE FOR SCOTLAND

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (SCOTLAND) REGULATIONS, 1949

APPLICATION FOR AUTHORITY TO CHANGE THE PLACE AT WHICH A BOAR IN RESPECT OF WHICH A PERMIT HAS BEEN ISSUED MAY BE KEPT

Description of Boar:

Name..... Farrowed.....19....
Day of Month. Year.

Breed or Type.....

Colour..... Ear Mark.....

Other Identification Marks.....

Whereas the Permit No.....issued to me in respect of the boar described above authorises me to keep it at.....
.....I hereby apply for authority to keep the boar as from .....
at .....

Signature .....

Address .....

.....

Date .....

This application should be sent to The Secretary, Department of Agriculture for Scotland, St. Andrew's House, Edinburgh, 1.

FORM G

DEPARTMENT OF AGRICULTURE FOR SCOTLAND

Subs. 1964/123

IMPROVEMENT OF LIVE STOCK (LICENSING OF BOARS) (SCOTLAND) REGULATIONS, 1949

APPLICATION FOR A REFEREE'S INSPECTION

Description of Boar:

Name..... Breed or Type.....

Farrowed in the month of.....in the year 19.....

Colour..... Ear Mark.....

Other Identification Marks.....

Number of Licence (if any).....

Whereas the Secretary of State for Scotland has

*refused to grant
revoked
served a notice of suspension of } a licence with respect to 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.

The boar will be kept during the next 28 days at .....
..... 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 .....

This application should be sent to The Secretary, Department of Agriculture for Scotland, St. Andrew's House, Edinburgh, 1.

Postage stamps should not be sent in payment of any fee and Bank Notes should not be sent in payment of any fee except by registered post, and in one of the registered envelopes sold by the Post Office; cheques and postal and money orders sent in payment of any fee should be made payable to the order of the Department of Agriculture for Scotland and crossed "& Co.". Bankers' commission is not payable by the Department and allowance therefor need not therefore be made. The Department will not be responsible if letters containing money are lost in transit.

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* Strike out words that do not apply.
† State whether cheque, postal orders 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 Secretary of State for Scotland 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) (Scotland) Regulations, 1946. They contain provisions similar to those of the Regulations of 1946 apart from drafting amendments and changes in procedure relating to the marking of boars for licensing purposes and the licensing of boars imported or brought into Scotland.