AGRICULTURE

AUTHORITIES

1960 No. 1777

The Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations, 1960

Made - - - -	*26th September*, 1960
Laid before Parliament	*30th September*, 1960
Coming into Operation	*1st October*, 1960

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section seventy-two and subsection (3) of section one hundred and eight of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations, 1960; and shall come into operation on the 1st day of October, 1960.

2.—(1) In these regulations—

" the Act " means the Agriculture Act, 1947;

" the Minister " means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

3. The functions of the Minister specified in the Schedule hereto shall, as from the date when these regulations come into operation, be exercisable by a County Agricultural Executive Committee in accordance with the provisions of section seventy-one of the Act:

Provided that where representations have been made by the person affected in respect of any such proposal as is referred to in paragraph (2) of regulation 10 of the Milk (Special Designation) Regulations, 1960(c) (being a proposal to refuse to grant a producer's licence or a proposal to suspend or revoke such a licence), a County Agricultural Executive Committee shall not carry out the proposal without the consent of the Minister.

4. The functions exercisable by a County Agricultural Executive Committee in accordance with the said provisions shall include such other powers or duties of the Minister arising under the Act or under any other enactment as may be necessary or incidental to the exercise of the functions specified in the Schedule hereto.

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1960/1542 (Pt. II, p. 1529, of this vol.).

5. Nothing in these regulations—

(*a*) shall operate to delegate to a County Agricultural Executive Committee the Minister's functions of refusing, suspending or revoking a licence to which section 43 of the Food and Drugs Act, 1955(**a**), applies (that is to say, a licence held by a retailer for a specified area as defined in the said Act);

(*b*) shall be construed as limiting, qualifying or derogating from the right or power of the Minister to exercise any of his functions specified in the Schedule hereto, or any other of his functions, at any time while these regulations are in force.

6. The Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations, 1949(**b**), and the Milk and Dairies (Delegation to County Agricultural Executive Committees) (Amendment) Regulations, 1950(**c**), are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-sixth day of September, nineteen hundred and sixty.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

(a) 4 & 5 Eliz. 2. c. 16. (b) S.I. 1949/1847 (1949 I, p. 89). (c) S.I. 1950/1818 (1950 I, p. 94).

SCHEDULE

Function of the Minister	Relevant provision
Keeping a register of persons carrying on the trade of dairy farmer, and of dairy farms, including the receipt of applications for registration, the registration of persons and premises as dairy farmers and dairy farms respectively, and the removal from the register of persons ceasing to be dairy farmers and of premises ceasing to be used for the purposes of a dairy farm.	Regulation 6 of the Milk and Dairies (General) Regulations, 1959(a).
Giving notice of intention to refuse or cancel a registration, and particulars of the grounds therefor and of the rights of the person affected in relation thereto, receiving objections from any such person affected, referring such objections to a tribunal, receiving and considering representations from persons affected, communicating to persons affected the Minister's decision whether or not to refuse or cancel the registration, and (where appropriate) cancelling the entry in the register.	Regulation 7 of the said Milk and Dairies (General) Regulations, 1959.
Allowing a building or part of a building on a dairy farm being used as a milking house or milk room at the commencement of the said Milk and Dairies (General) Regulations, 1959, to continue to be used as a milking house or milk room notwithstanding its failure to conform with requirements, and limiting the period for such use.	Paragraph (3) of regulation 11 of the said Milk and Dairies (General) Regulations, 1959.
Allowing a building, part of a building or shed being used as a milking house at the commencement of the said Milk and Dairies (General) Regulations, 1959, to continue to be used as a milking house notwithstanding its failure to conform with requirements, and limiting the period for such use.	Regulation 13 of the said Milk and Dairies (General) Regulations, 1959.
Approving a place to which milk may be removed after milking, where no milk room is available.	Sub-paragraph (*g*) of regulation 16 of the said Milk and Dairies (General) Regulations, 1959.
Granting exemption from requirements as to cooling of milk by dairy farmers after milking, and (where appropriate) specifying a period for such exemption.	Sub-paragraphs (*c*) and (*d*) of paragraph (1) of regulation 17 of the said Milk and Dairies (General) Regulations, 1959.

(a) S.I. 1959/277 (1959 I, p. 1351).

Function of the Minister	Relevant provision
Approving the cooling of milk in a milking house under certain conditions.	Regulation 23 of the said Milk and Dairies (General) Regulations, 1959.
Granting producers' licences, receiving applications therefor and for the renewal thereof, and receiving and considering evidence in support of such applications.	Regulation 8 of the Milk (Special Designation) Regulations, 1960.
Serving notice of proposal (*a*) to refuse to grant, (*b*) to suspend, or (*c*) to revoke a producer's licence, with particulars of the reasons therefor and of the rights of the person affected in relation thereto, receiving and considering representations from any such person affected, and deciding whether to refuse to grant, to suspend, or to revoke a producer's licence as aforesaid.	Regulations 6 and 10 of the Milk (Special Designation) Regulations, 1960.

EXPLANATORY NOTE

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

These regulations, which come into operation on 1st October, 1960, replace the Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations, 1949, as amended. They are consequent upon the making of the Milk and Dairies (General) Regulations, 1959 (S.I. 1959/277), and the Milk (Special Designation) Regulations, 1960 (S.I. 1960/1542), both made under the Food and Drugs Act, 1955 (4 & 5 Eliz. 2. c. 16). They delegate to County Agricultural Executive Committees the functions specified in the Schedule. In particular, the regulations now enable the Committees to exercise the power to approve the cooling of milk in a milking house under conditions permitted by regulation 23 of the Milk and Dairies (General) Regulations, 1959. They provide that the Minister's right and power himself to exercise any of the functions so delegated are unaffected by their delegation.