



Poultry Improvement Act (Northern Ireland) 1968

1968 CHAPTER 12

POULTRY IMPROVEMENT SCHEMES

MISCELLANEOUS

9 Restriction on sale of chicks.

A person shall not, in any shop or market or in any street, road, highway or public place, or in any place to which the public have or are permitted to have access,—

- (a) sell or offer or expose for sale, or
- (b) have in his possession for the purpose of sale, any chicks.

10 Offences.

(1) Subject to the provisions of section 11, a person shall be guilty of an offence if he or any person acting on his behalf—

- (a) wilfully obstructs or impedes an authorised officer in the exercise of any powers conferred on the officer by virtue of this Act or without reasonable cause fails to give to any authorised officer acting under this Act any assistance or information which the authorised officer may reasonably require of him for the purposes of the performance by the authorised officer of his functions under this Act; or
- (b) alters or fraudulently uses any licence, permit or other document issued or granted under this Act; or
- (c) in connection with the application for or the issue of a licence or the grant of a permit, or in any record kept or return made, under this Act knowingly or recklessly makes any statement or entry or furnishes or with intent to deceive

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makes use of any information which is false in a material particular or in any material respect misleading; or

- (d) contravenes any provision of this Act or of any scheme or regulation made thereunder, or fails to comply with either any requirement duly made of him by the Ministry in pursuance of any such provision or any condition of a licence issued or permit granted under this Act.
- (2) A person who is guilty of an offence under subsection (1)(a) shall be liable on summary conviction to a fine not exceeding^{F1} level 3 on the standard scale].
 - (3) A person who is guilty of an offence under any provision of subsection (1), other than paragraph (a) thereof, or under the provision contained in paragraph 11(4) of the Schedule shall be liable on summary conviction. . . to a fine not exceeding^{F1} level 3 on the standard scale]. . . .
 - (4) The Ministry may in any scheme made under this Act or in any regulations provide for the imposition in respect of any contravention of any provision of the scheme or, as the case may be, of the regulations, or any failure to comply with any requirement made thereunder, of a lower maximum penalty than the penalty specified in paragraph (a) or (b) of subsection (3), and where the Ministry so provides that paragraph shall have effect in relation to any such contravention or failure as if the reference therein to that penalty were a reference to that lower penalty.
 - (5) Where a person is convicted of an offence under subsection (1)(d) and the contravention or failure in respect of which he was convicted is continued after conviction, he shall be guilty of a further offence and shall be liable on summary conviction, in addition to any other penalty, to a fine not exceeding^{F1} level 1 on the standard scale] for each day on which the contravention or failure is so continued.
 - (6) An offence under subsection (5) shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.
 - (7) No proceedings for an offence under any of the provisions of this Act may be instituted except—
 - (a) by the Ministry, or
 - (b) by, or with the consent of, the Attorney General.

Annotations:

F1 1984 NI 3

11 Defence of act of third party mistake, accident, etc.

In any proceedings for an offence under section 10 it shall be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act of some other person, or to a mistake, or to an accident or some other cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person acting on his behalf.

12 General provisions with respect to schemes and regulations.

- (1) Before making—
 - (a) any poultry improvement scheme, or

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- (b) any regulations under section 4 prescribing conditions subject to which poultry stock licences are to have effect, or
- (c) any poultry testing scheme empowering the imposition of, or varying, any charges such as are mentioned in section 8(3).

the Ministry shall consult with any bodies which appear to the Ministry to be substantially representative of interests concerned.

(2) Poultry improvement schemes and poultry testing schemes—

Para. (a) rep. by 1979 NI 12

- (b) shall be subject to affirmative resolution.

(3) Regulations shall be subject to negative resolution.

(4) Any scheme or regulations made under this Act may contain such incidental or supplementary provisions as appear to the Ministry to be expedient for the purposes thereof.

13 General financial provision.

...^{F2} all sums received by the Ministry under this Act shall be paid into the Exchequer.

Annotations:

F2 SLR 1976

14 Interpretation.

In this Act—

- “the Act of 1950” has the meaning assigned to it by section 15(1);
- “authorised officer” means an officer of the Ministry generally or specially authorised in writing by the Ministry for the purposes of this Act;
- “chicks” means young poultry not more than two days old;
- “eggs” means the eggs of poultry;
- “hatchery” means any premises used for hatching eggs brought into the premises for the purpose of producing chicks for sale, supply or distribution by the occupier of the premises or by any other person at whose request the eggs are hatched;
- “licence-holder” means a person to whom a poultry stock licence has been issued;
- “the Ministry” has the meaning assigned to it by section 1(1);
- “poultry” means domestic fowl and such other domesticated birds as may be prescribed;
- “poultry improvement scheme” has the meaning assigned to it by section 1(1);
- “poultry stock licence” has the meaning assigned to it by section 3(1);
- “poultry testing scheme” has the meaning assigned to it by section 8(1);
- “premises” includes any land used in connection with premises for the purposes of the activities carried on in the premises;
- “prescribed” means prescribed by regulations;
- “the prescribed standards” means standards prescribed under section 5;
- “regulations” means regulations made by the Ministry under this Act.

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15 Repeal and transitional provisions.

- (1) The Poultry Hatcheries Act (Northern Ireland) 1950 ^{M1} (in this Act referred to as “the Act of 1950”) is hereby repealed.

Subs. (2)(3) rep. by SLR 1980

- (4) A licence issued by the Ministry under the Act of 1950 which is in force at the passing of this Act shall continue in force according to its tenor and shall be deemed to be a poultry stock licence.

Annotations:

Marginal Citations

M1 1950 c. 18

16 Short title.

This Act may be cited as the Poultry Improvement Act (Northern Ireland) 1968.

Changes to legislation:

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