



# Fertilisers and Feeding Stuffs Act 1926

## 1926 CHAPTER 45

### *General*

#### **23 Regulations**

- (1) The Minister and the Board of Agriculture for Scotland jointly may, after consultation with the advisory committee to be constituted under this section, make regulations for prescribing anything which under this Act is required or authorised to be prescribed, and generally for carrying this Act into operation; and in particular such regulations may provide—
- (a) for varying any of the schedules to this Act;
  - (b) for prescribing the manner in which articles required to be marked under this Act are to be marked and the nature of such marks;
  - (c) for prescribing the limits of variation for the purposes of this Act;
  - (d) for prescribing the manner in which samples are to be taken and dealt with in cases where under this Act they are taken in the prescribed manner;
  - (e) as to the method in which analyses for determining the percentages of particular substances are to be made;
  - (f) as to the qualifications to be possessed by agricultural analysts and deputy agricultural analysts and as to the form of certificates of analysis given by them;

and where any schedule is varied by regulations so made, this Act shall have effect as if the schedule as so varied were substituted for the schedule contained in this Act.

- (2) For the purpose of assisting and advising them with respect to the making of regulations under this Act, the Minister and Board shall, after consultation with such associations as appear to them to represent the interests concerned, jointly appoint an advisory committee.
- (3) All regulations made under this section shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat next after the regulations are laid before them, presents an address to His Majesty praying that the regulations or any part of

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them may be annulled, they shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

## **24 Exemption for certain sales**

This Act shall not apply to the sale of an article used as a fertiliser of the soil or as a food for cattle or poultry where the sale is in exercise of a statutory power to enforce a right or to satisfy a claim or lien, or where the sale is made by a sheriff, bailiff, or other officer to satisfy a writ of execution, or warrant or decree of any court, or a distress for rent or warrant of distress.

## **25 Meaning of certain expressions**

Where for the purposes of this Act the expressions " percentage of soluble phosphates " and " percentage of insoluble phosphates," are used in statements of equivalents, they shall be taken to mean respectively the percentage of tribasic phosphate of lime which has been and that which has not been rendered soluble in water.

## **26 Interpretation**

(1) In this Act, unless the context otherwise requires—

The expression " Minister " means the Minister of Agriculture and Fisheries :

The expression " purchaser " includes any person other than a carrying agent acting on behalf of a purchaser :

The expression " inspector " includes an inspector appointed by the Minister or an inspector appointed by the council of a county or county borough :

The expression " Government Chemist " means the head of the department of the Government Chemist, and shall include any deputy government chemist appointed to act in the case of illness, incapacity, or absence of the Government Chemist, or pending the appointment of the Government Chemist, to act in his place :

The expression " cattle " means bulls, cows, oxen, heifers, calves, sheep, goats and swine.

(2) An article consigned to a purchaser shall not for the purposes of this Act be deemed to be delivered to him until it arrives at the place to which it is consigned whether the consignment is by direction of the seller or the purchaser.

(3) Where an article is delivered to a purchaser in two or more consignments, this Act shall apply to each consignment as though it were a separate article.

(4) Where the method of analysis for determining the amount of any substance contained in an article is prescribed under this Act, any statement in any statutory statement or document which by virtue of this Act takes effect as a warranty and any mark on an article or entry in a register under this Act stating or indicating the amount of such substance shall be taken to be a statement of the amount of the substance as determined by analysis in accordance with the method so prescribed.

(5) Particulars as to the nature, substance, or quality of an article marked or indicated by a mark or entered in a register shall not for the purposes of this Act be deemed to be false

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to the prejudice of the purchaser if the mis-statement as respects any ingredient does not exceed the limits of variation (if any) prescribed under this Act in relation thereto.

## **27 Application to City and Port of London**

This Act shall apply to the Port of London and the City of London subject to the following modifications:—

- (a) The sanitary authority of the Port of London as regards the district of that authority, and the Common Council of the City of London as regards the City of London, shall, to the exclusion of any other council, perform and exercise the duties and powers by this Act imposed and conferred on councils of counties, and county boroughs:
- (b) The expenses of the Port of London sanitary authority and the Common Council incurred in the execution of this Act (including any expenditure incurred in the purchase of articles for the purpose of enforcing the provisions of this Act) shall be defrayed out of the general rate of the City of London.

## **28 Application to Scotland**

(1) This Act shall apply to Scotland subject to the following modifications :—

- (a) References to the Minister shall, except in the provisions of this Act relating to joint action by the Minister and the Board of Agriculture for Scotland, be construed as references to the Board of Agriculture for Scotland :
- (b) The powers and duties of councils of counties and county boroughs under this Act shall be exercisable and performed by the local authorities under the Diseases of Animals Act, 1894, and the expenses incurred under this Act by such local authorities shall be defrayed out of a rate to be levied, ascertained, fixed, and paid in like manner as the local rate under that Act:
- (c) Such local authorities as aforesaid shall have the like power to appoint a joint committee for any purpose of this Act as is conferred by section seventy-six of the Local Government (Scotland) Act, 1889, on county and town councils for any purpose of that Act, and the provisions of the said section shall apply accordingly, and a reference to the Local Government Act, 1888, shall be construed as a reference to the provisions of the said Act of 1889 as so applied:
- (d) Subsections (1) and (4) of section twenty and subsection (3) of section twenty-one shall not apply.

Provided that—

- (i) no proceedings shall be brought in respect of causing or permitting any name, mark or particulars (except particulars which are not required to be contained in a statutory statement) to be false or in respect of failure to include in the particulars marked or indicated by a mark or entered in a register or written on a label any particulars which are required by this Act to be contained in the statutory statement or in respect of the presence in a feeding stuff of any deleterious ingredient until the part of the sample retained by the agricultural analyst has been analysed and a certificate of analysis given by the Government Chemist; and
- (ii) in any prosecution to which subsection (3) of section twenty of this Act applies there shall be served with the complaint a copy of any certificate of the agricultural analyst obtained on behalf of the prosecution.

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## 29 Application to Northern Ireland

- (1) This Act shall apply to Northern Ireland subject to the following modifications :—
- (a) The regulations made by the Minister and the Board of Agriculture for Scotland shall apply to Great Britain only :
  - (b) References to the Minister, and to the Minister and the Board of Agriculture for Scotland acting jointly shall be construed as references to the Ministry of Agriculture for Northern Ireland: Provided that the Ministry of Agriculture for Northern Ireland in lieu of appointing a separate advisory committee may, in making regulations to be laid before the Parliament of Northern Ireland, act on the advice of the advisory committee appointed for Great Britain:
  - (c) References to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland :
  - (d) References to the Government Chemist shall be construed as references to the Chief Agricultural Analyst for Northern Ireland :
  - (e) The reference to the Local Government Act, 1888, shall be construed as a reference to article thirty-eight of the schedule to the Local Government (Application of Enactments) Order, 1898:
  - (f) The expenses of a council incurred in the execution of this Act shall be defrayed, in the case of a county council, out of the county fund as a county at large charge, and, in the case of a county borough council, out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1918 :
  - (g) References to Parliament and to His Majesty shall be construed respectively as references to the Parliament and to the Governor of Northern Ireland, and the reference to twenty-one days, occurring in relation to regulations laid before Parliament, shall be construed as a reference to the period prescribed by subsection (1) of section 4 of the Rules Publication Act (Northern Ireland), 1925.
- (2) For the purpose of section six of the Government of Ireland Act, 1920, this Act, in its application to Northern Ireland, shall be treated as if it had been an Act passed before the appointed day for the commencement of that section.

## 30 Short title, commencement, repeal and extent

- (1) This Act may be cited as the Fertilisers and Feeding Stuffs Act, 1926.
- (2) This Act shall come into operation on such day not earlier than the first day of July nineteen hundred and twenty-seven as may be appointed for the purpose by the Minister and the Board of Agriculture for Scotland jointly.
- (3) The Fertilisers and Feeding Stuffs Act, 1906, is hereby repealed:

Provided that nothing in this repeal shall affect any appointment made under that Act, but any such appointment shall have effect as if made under this Act.