



Sea Fish Industry Act 1938

1938 CHAPTER 30

PART I

ORGANISATION OF WHITE FISH INDUSTRY

The White Fish Commission and the White Fish Industry Joint Council

1 Constitution and general functions of White Fish Commission

- (1) There shall be constituted a Commission to be called " the White Fish Commission " (hereafter in this Act referred to as " the Commission "), which shall have the functions of keeping generally under review matters relating to the white fish industry, and of advising and assisting the Ministers in such matters as aforesaid, and such other functions as are entrusted to the Commission by or under the following provisions of this Act.
- (2) The Commission shall consist of five members appointed by the Ministers.
- (3) The Ministers may appoint a secretary to the Commission, and the Commission may appoint such other officers, and such servants, as the Ministers may, with the approval of the Treasury, determine.
- (4) The incidental provisions contained in the First Schedule to this Act shall have effect in relation to the Commission.

2 White Fish Industry Joint Council

- (1) For the purpose of giving advice and assistance to the Commission in the discharge of its functions, there shall be constituted a council for Great Britain to be called the White Fish Industry Joint Council (hereafter in this Act referred to as " the Joint Council ").
- (2) The Joint Council shall consist of a chairman appointed by the Ministers as being an independent person, and such other members as may be appointed by the Ministers to represent respectively the interests of persons who carry on in Great Britain any of the following businesses, that is to say,—

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- (a) the business of a home producer of white fish,
- (b) the business of selling white fish by wholesale,
- (c) the business of a fishmonger,
- (d) the business of a fish frier, and
- (e) the business of curing, salting, drying, smoking or canning white fish,

and any such other interests (including the interests of fishermen and others who are employed by persons engaged in the white fish industry) as the Ministers consider to be immediately affected, or likely to be immediately affected, by the operation of this Part of this Act.

Any of the businesses specified in paragraphs (a) to (e) of this subsection is hereafter in this Part of this Act referred to as " a designated business."

- (3) For the purposes of this Part of this Act, a person shall be deemed to carry on the business of selling white fish by wholesale if, in the course of any business carried on by him, he sells any white fish to a person who buys the fish for the purpose of selling them again, and shall be deemed to carry on the business of a fishmonger if, in the course of any business carried on by him, he sells white fish by retail:

Provided that—

- (a) a sale of white fish by auction effected at a port by or on behalf of the catcher of the fish shall be deemed not to be a sale by wholesale ;
- (b) a person shall not be taken to carry on the business of selling white fish by wholesale, or the business of a fishmonger, by reason only that he sells white fish preserved in any airtight container;
- (c) a person shall not be taken to carry on the business of a fishmonger by reason only that at any premises he sells white fish for consumption at those premises; and
- (d) a sale of white fish to a person who, in the course of carrying on any business other than that of a fish frier, buys white fish for the purpose only of selling them again in a condition in which they are ready for eating without further treatment, shall be deemed to be a sale by retail and not a sale by wholesale ;

and, whenever a person whose business or part of whose business it is to buy white fish for the purpose of selling them again buys any white fish, he shall, until the contrary is proved, be deemed to buy the fish for that purpose.

- (4) For the purposes of this Part of this Act, a person shall not be taken to carry on the business of curing or salting white fish by reason only that, in the course of the business of catching and landing white fish, he cures or salts white fish on board a vessel.
- (5) Before appointing a person to be a representative member of the Joint Council, the Ministers shall consult such bodies (if any) as appear to them to be representative of the interests concerned.
- (6) The incidental provisions contained in the Second Schedule to this Act shall have effect in relation to the Joint Council.