

SCHEDULES

FIRST SCHEDULE

Section 8(2).

PART I

PROCEDURE UNDER SECTION 8(2)

- 1 The local authority, if they object to the Ministry's proposal, may within one month of the receipt of the notice thereof serve on the Ministry a notice setting forth particulars of their objection.
- 2 The Ministry within one month of the service of the notice of objection may serve on the local authority a notice requiring them to provide within the time specified in the notice such slaughter-house facilities as are so specified.
- 3 The local authority within one month of the service of the last mentioned notice may serve on the Ministry a notice stating that they undertake to comply with the requirements specified in the Ministry's notice; and thereupon it shall be the duty of the local authority to comply with those requirements. If the local authority fail so to notify the Ministry the Ministry may forthwith proceed to exercise the power conferred on it by sub-section (1) of section eight.
- 4 Where the local authority duly serve a notice under the last preceding paragraph and after the expiration of six months therefrom it appears to the Ministry at any time that the authority will be unable to fulfil their undertaking within the required time, the Ministry may serve on the local authority a notice stating that in the opinion of the Ministry they will be unable so to fulfil their undertaking.
- 5 The local authority within fourteen days of the service of the last mentioned notice on them may serve on the Ministry a notice disputing the opinion of the Ministry; and if the local authority duly serve such a notice the Ministry shall not proceed to the exercise of its powers under sub-section (1) of section eight until a local inquiry has been held.
- 6 If—
 - (a) the local authority do not dispute the Ministry's opinion as aforesaid; or
 - (b) a local inquiry having been held, the Ministry on consideration of the report of the person who held it is satisfied that the local authority will be unable duly to fulfil their undertaking;the Ministry may make an order transferring to itself all or any premises, buildings or works, whether completed or not, in the possession or occupation or under the control of the local authority for the purposes of the fulfilment of their undertaking, together with any rights or easements in to or over land or water necessary to the full exercise of the powers of the Ministry under sub-section (1) of section eight; and the order may contain such supplemental, incidental or ancillary provisions as appear to the Ministry to be necessary or expedient for the purpose of such exercise.
- 7 Where an order is made under the last preceding paragraph the Ministry—

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- (a) may proceed to exercise its powers under sub-section (1) of section eight as if no objection to such exercise had been made in the first instance;
- (b) shall pay to the local authority the amount of any expenditure which in the opinion of the Ministry was properly and necessarily incurred by them between the date of their undertaking and the making of the order.

8 All notices given under the foregoing provisions of this Part shall be in writing and shall be served by registered post.^{F1}

F1 Recorded delivery service may be used as an alternative, [1963 c. 5 \(NI\)](#)

PART II

PROVISIONS AS TO INQUIRIES

1 The Ministry shall appoint a person to hold the inquiry and report thereon to the Ministry. A person so appointed is in this Part of this Schedule referred to as “the inspector”.

2 The Ministry may appoint one or more than one person possessing such legal, medical or other professional qualifications as the Ministry thinks appropriate, to assist the inspector.

3 The Ministry shall, not less than fourteen days before the holding of the inquiry, give public notice, and shall send to the local authority by registered post^{F2} notice in writing, of the date, hour and place fixed for the holding thereof.

F2 Recorded delivery service may be used as an alternative, [1963 c. 5 \(NI\)](#)

4 The inspector may by notice require any person—

- (a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry; or
- (b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the inspector may think fit and as the person so required is able to furnish:

Provided that—

- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides, unless the necessary expenses are paid or tendered to him; and
- (ii) nothing in this paragraph shall empower the inspector to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or otherwise, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.

5 The inspector may administer oaths and examine witnesses on oath and may accept in lieu of evidence on oath by any person a statement in writing by that person.

6 Any person who refuses or wilfully neglects to attend in obedience to a notice under paragraph 4 of this Part of this Schedule, or to give evidence, or who wilfully alters,

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suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice or who refuses or wilfully neglects to furnish any information which he is required to furnish under sub-paragraph (b) of the said paragraph 4 shall be liable on summary conviction to a fine not exceeding^{F3} level 1 on the standard scale^{F3} or to imprisonment for a period not exceeding three months.

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- 7 The expenses incurred by the Ministry in relation to any inquiry held under this Act (including such sum or sums as the Ministry may with the approval of the Ministry of Finance determine in respect of the services of the inspector and any person appointed to assist him) shall be paid by the Ministry and the local authority in such proportions as the inspector shall recommend in his report, and the Ministry may make an order accordingly.
- 8 Any order by the Ministry under the last preceding paragraph may on the application of either party to the inquiry be made a rule of the High Court.

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