

## SCHEDULE

### SCHEME UNDER THE AGRICULTURAL MARKETING ACTS, 1931 TO 1949, REGULATING THE MARKETING OF WOOL

## PART I

### PRELIMINARY AND DEFINITIONS

1.—(1) This Scheme may be cited as the British Wool Marketing Scheme, 1950, and applies to the United Kingdom of Great Britain and Northern Ireland (except the administrative County of Zetland).

(2) The regulated product to which this Scheme applies is wool.

2. In this Scheme except where the context otherwise requires:—

“The Act of 1931” and “the Act of 1949” mean respectively the Agricultural Marketing Act, 1931, and the Agricultural Marketing Act, 1949, in each case as amended or extended by any subsequent Act.

“The Minister” means the Minister of Agriculture and Fisheries, the Secretary of State for Scotland and the Secretary of State concerned with Agriculture in Northern Ireland, acting in conjunction.

“Wool” means any wool which has been removed or become detached from sheep in the United Kingdom (except the administrative Country of Zetland), and includes:—

- (a) “Fleece Wool”—that is to say the fleece removed by shearing or clipping sheep.
- (b) “Locks”—that is to say wool (other than daggings or clarts) which may have become or has been detached from the fleece.
- (c) “Brokes”—that is to say short wool obtained from the edges of the fleece in clipping.
- (d) “Fallen Wool”—that is to say wool removed from sheep which have died a natural death.
- (e) “Gathered Wool”—that is to say wool left by living sheep on hedges or other places.
- (f) “Tailings”—that is to say wool clipped from britch end of live sheep.
- (g) “Daggings” or “Clarts”—that is to say wool naturally clotted with dung or earth.
- (h) “Willeyed Locks”—that is to say daggings or clarts from which the dung or earth has been extracted by washing or by other process.
- (i) “Skin Wool”—that is to say wool removed from the skins of sheep.

“Sheep” includes all descriptions of sheep and lambs.

“Skins” means skins removed from sheep in the United Kingdom (except the administrative County of Zetland).

“Producer” means a producer of wool; a “producer in a region” means a person who produces wool in that region; and a “Producer in a county” means a person who produces wool in that County.

“Registered” means registered under this Scheme and “registration” shall be construed accordingly.

“Region” means one of the regions specified in the First Schedule of this Scheme.

“Regional Committee” means a committee constituted under paragraph 34 of this Scheme.

“To prescribe” means to determine by a resolution recorded as provided for by Paragraph 93 of this Scheme, and “prescription” shall be construed accordingly.

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“Calendar Year” means a period of twelve months beginning on the first day of January .

“County” means the area commonly called by one of the county names mentioned in the First Schedule of this Scheme; provided that if any question about the extent of any county shall arise the Board's decision thereon shall be accepted.

“General Meeting” means a meeting of registered producers.

“Regional Meeting” means a meeting of the registered producers in a region .

3. The Interpretation Act, 1889, shall apply for the interpretation of this Scheme, as it applies for the interpretation of an Act of Parliament.

## PART II

### THE BOARD AND COMMITTEES

#### *THE BOARD*

4. The Board to administer this Scheme shall be called the British Wool Marketing Board, and is in this Scheme referred to as “the Board.” The Board shall be a body corporate with a common seal, and power to hold land without licence in mortmain.

5. Until the first Annual General Meeting which shall be held within twelve months from the date on which the Scheme comes into force, the Board shall consist of the following person, that is to say:—

J. Shaw, Stonecellars Farm, Usworth, Co. Durham.

J. Drinkall, Abbeystead, Lancaster.

I. Morris, Nesley Farm, Tetbury, Glos.

G. Gibbard, O.B.E., J.P., 84 Oxford Road, Banbury, Oxon.

Capt. Bennett Evans, Manod, Llangurig, Llanidloes, Mont.

F. H. Shapland, Prescott, Tiverton, Devon.

H. C. Falconer, O.B.E., Auchencrow Mains, Reston, Berwickshire.

I. M. Campbell, Balblair, Invershire, Sutherland.

A. McNaughton, Inverlochlarig, Balquidder, Perthshire.

J. A. Cathcart, Castle Hume, Inniskillin, Co. Fermanagh.

and two persons appointed by the Minister in accordance with subsection (1) of Section 1 of the Act of 1949.

6. Subject to the provisions of Paragraph 10 hereof as to the filling of casual vacancies in the case of regional members and special members the Board shall, after the first Annual General Meeting, consist of ten regional members and two special members, all of whom shall be elected as hereinafter provided, and not less than two nor more than three members appointed by the Minister in accordance with subsection (1) of Section 1 of the Act of 1949.

7. For the purposes of this Scheme there shall be ten regions constituted in accordance with the First Schedule of this Scheme. One regional member of the Board shall be elected for each region by the registered producers in the region. Special members shall be elected by all registered producers. Every election of regional members and special members after the first such election shall be held in the month of March on such day as may be fixed by the Board.

- (a) **8.** (1) (a) Elections of regional members for the English North Western, English Central and Scottish Southern Regions shall be held in the year 1951, 1952 and every third calendar year thereafter.
- (b) Elections of regional members for the English South Western, English North Eastern, Scottish Northern and Northern Ireland Regions shall be held in the year 1951, 1953 and every third calendar year thereafter.
- (c) Elections of regional members for the English Southern, the Welsh and the Scottish Central Regions shall be held in the year 1951, 1954 and every third calendar year thereafter.
- (2) An election of one special member shall be held in the year 1951, 1953 and every third calendar year thereafter and an election of another special member shall be held in 1951, 1954 and every third calendar year thereafter. Of the first two special members, the one to retire in 1953 shall be chosen by lot.
- (3) Every regional member and special member shall, subject as aforesaid and to the provisions of this Scheme, hold office from the first day of April following the day on which he is elected until the last day of March in the third year after the year of his election.
- (4) A regional member or special member of the Board who, by resignation or on completion of a term of office, ceases to hold office, shall be eligible for re-election to the Board.
- (5) The provisions of Paragraphs 43 to 46 of this Scheme shall govern elections of regional members to the Board and the provisions of Paragraph 47 hereof shall govern elections of special members to the Board.
- 9.** A regional member or special member of the Board shall cease to hold office:—
- (a) If he is appointed by the Board to any place of profit under this Scheme, or
- (b) if he is adjudged bankrupt or compounds with his creditors, or
- (c) if he becomes of unsound mind, or
- (d) if he is convicted of any offence under subsection (2) of Section 17 of the Act of 1931, or
- (e) if the Board by resolution declare that he has been absent from six consecutive meetings of the Board without reasonable excuse, or
- (f) if he delivers to the Board a written resignation of his office and the resignation is accepted by the Board, or, if not so accepted, is not withdrawn within seven days.
- 10.**—(1) If a regional member dies or ceases to hold office under the preceding paragraph, the Board, after consultation with the Regional Committee for the region, shall appoint in his place a person who, in their opinion, is qualified to represent the registered producers in that region. If a special member dies or ceases to hold office under the preceding paragraph, the Board shall appoint a person to be a special member in his place.
- (2) Every person appointed to the Board under this paragraph shall hold office for so long as his predecessor would have held office.
- 11.** The Chairman and Vice-Chairman of the Board shall be appointed annually by the Board from their own number. The Chairman, or failing him the Vice-Chairman, shall preside at all meetings of the Board. In their absence from a meeting of the Board, the Board shall appoint another Chairman from among their own number to preside at that meeting.
- 12.** The Board may employ a Secretary and such other officers, servants and agents as they think fit.
- 13.**—(1) The Board shall have an office in England, an office in Wales, an office in Scotland and an office in Northern Ireland at any of which communications and notices (except as otherwise in

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this Scheme expressly provided) will at all times be received, and shall notify the Minister of their addresses and of any change in those addresses.

(2) The Board may have such other offices and other premises as they shall think fit.

**14.** The remuneration of the Board members shall be determined annually by the registered producers in general meeting, and such remuneration shall be divisible amongst the members as the Board may determine.

**15.** The Board may pay to members of the Board such travelling and other expenses as in the opinion of the Board have been reasonably incurred by them in connection with the business of the Board.

**16.** The quorum of the Board shall be such number not being less than five as the Board may from time to time determine and, until otherwise so determined, shall be five, and the Board shall have power at all times to act notwithstanding any vacancy in the membership thereof.

#### *THE COMMON SEAL*

**17.—(1)** The Common Seal of the Board shall not be affixed to any document without the express authorisation of the Board or of the Executive Committee.

(2) The Common Seal shall be kept in the custody of the Secretary or such other employee as the Board shall direct.

**18.** All deeds and other writings to which the Board are a party shall be held to be validly executed on behalf of the Board on being sealed with the Common Seal of the Board and signed by two members of the Board and the Secretary, and such subscription on behalf of the Board shall be binding whether attested by witnesses or not.

**19.** A document or proceedings requiring authentication by the Board may be signed by a member of the Board, Secretary or other person authorised by the Board, and need not be under the Common Seal of the Board.

#### *CONTRACTS*

**20.** Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person authorised by them in that behalf, either generally or specially.

**21.** No contract to which the Board are a party shall be avoided by reason only that a member of the Board is also a party thereto, or is interested therein, and a member of the Board who is a party to or interested in such a contract shall not, by reason only that he is a member of the Board, be liable to account to the Board for any profit realised by him by reason of the contract, but a member of the Board must forthwith disclose to the Board any interest which he has or acquires in any contract concluded or proposed to be concluded by the Board and shall not vote upon any question relating to the contract, and if he does vote, his vote shall not be counted.

Provided that a member of the Board shall not be precluded from voting on a question relating to the general policy of the Board with respect to any matter by reason only that the determination of that question will or may affect contracts which have been, or may thereafter be, entered into by him with Board.

#### *THE EXECUTIVE COMMITTEE OF THE BOARD*

**22.** The Board shall appoint from among the members thereof an Executive Committee consisting of not more than seven persons, of whom at least one shall be a member of the Board

appointed by the Minister, and shall delegate to the Executive Committee all their functions under this Scheme except their functions under the following paragraphs of Part II of this Scheme, namely, paragraphs 7 to 14, 16, 17 (2) 19 to 22, 25 to 27, 33 to 37, 43 and 44 or their functions under Parts III to IX (inclusive) of this Scheme;

provided that the Board may, at their discretion, so delegate all or any of the functions so excepted (other than a power to impose penalties or a power in connection with the borrowing of money).

**23.** The quorum of the Executive Committee shall be three. The Executive Committee shall at all times have power to act notwithstanding any vacancy in their number, and the Committee shall report its proceedings to the Board.

**24.** The Chairman of the Board shall be the Chairman of the Executive Committee if acting on that body. Otherwise the Chairman of the Executive Committee shall be appointed by the Executive Committee from their own number. In his absence from a meeting, the Executive Committee shall appoint another Chairman from their own number to preside at that meeting.

#### *OTHER COMMITTEES OF THE BOARD*

**25.** The Board may from time to time appoint such other committees from amongst their members as they think fit, and subject to the provisions of this Scheme with respect to the application of the Common Seal of the Board, may delegate to any such Committee appointed by them any of the powers of the Board other than a power in connection with the borrowing of money, or the imposition of penalties, or a power which is delegated to the Executive Committee.

**26.** The quorum of any Committee appointed under paragraph 25 shall be such number as the Board may fix for the Committee, and every such Committee shall report its proceedings to the Board.

#### *MEETINGS OF THE BOARD AND OF COMMITTEES OF THE BOARD*

**27.** The meetings of the Board or of any Committee of the Board shall be held at such time or times and at such places as may be determined by the Board or the Committee respectively.

**28.** All questions at meetings of the Board or any Committee appointed under the provisions of paragraphs 22 and 25 hereof shall be decided by a majority of votes of the members present and voting. Each member shall have one vote, and if there be an equality of votes the member acting as Chairman shall, in addition, have a casting vote.

**29.** All acts done at any meetings of the Board or of any Committee thereof shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election, or qualification of any person purporting to be a member of the Board or of the Committee, or that a member of the Board or of the Committee had voted upon any question upon which he was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

**30.** Minutes shall be kept of the proceedings of the Board and of every Committee thereof, and any such minutes shall, if signed by the Chairman of the meeting to which they relate or at which they are read, be evidence of these proceedings. The meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted.

**31.** For the purpose of any proceedings a copy, purporting to be certified in writing by the Chairman or Vice-Chairman of the meeting or Secretary of the Board to be a true copy of the minutes or any part of the minutes of any meeting of the Board or any Committee of the Board, shall be evidence of such of the proceedings at the said meeting as such minutes or parts of minutes purport to relate to.

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**32.** The Secretary shall convene a meeting of the Board or of any Committee of the Board on the requisition of any three members of the Board or of any two members of the Committee concerned; provided that such requisition shall be in writing and shall state the business for which the meeting is required.

#### *ADVISORY COMMITTEES*

**33.—(1)** The Board shall set up and appoint an advisory committee (to be known as the Joint Committee) consisting of not more than fourteen persons, of whom seven shall be nominated by such organisation or organisations as the Board think best qualified to represent the views of persons concerned with the marketing, processing and manufacture of wool, one shall be nominated by Co-operative Wool Societies and the remainder shall be members of the Board.

(2) The Chairman of the Joint Committee shall be a member of the Board who is also a member of the Joint Committee and shall be appointed by the Joint Committee.

(3) The Board shall consult the Joint Committee as often as they shall think fit and in any case not less than four times a year and the Board shall consult the Joint Committee before making any major change of principle in the handling and marketing of wool.

(4) The Board may set up and appoint other advisory committees for the purposes of assisting the Board to exercise its functions under this Scheme, and may appoint representatives to any advisory committee set up by any other persons or organisations.

#### *REGIONAL COMMITTEES*

**34.** There shall be for each Region, a Committee (to be called a Regional Committee) whose duty it shall be to report to the Board from time to time on the operation of the Scheme in that region, and when consulted by the Board with respect to any proposal of the Board, to advise them as to the desirability of the proposal, in so far as it concerns producers in that region.

**35.** The Regional Committee for each region shall consist of (a) the regional member of the Board for the time being for the region, or, during the period of office of the first Board, such member of that Board as the Board may appoint, and (b) one representative of each of the counties in the region, except that there shall be three representatives for each of the counties of Devon and Cornwall and two representatives for each of the counties specified in the Second Schedule of this Scheme. Such representatives (hereinafter called “county representatives”) shall be registered producers in the county they represent, and shall be elected by the registered producers in that county.

**36.—(1)** An election of county representatives to the Regional Committee for each region shall be held on such day in the year 1950 as the Board may fix and in each third calendar year thereafter on such day as the Board may fix.

(2) The provisions of paragraphs 43 to 46 of this Scheme shall govern elections of county representatives to the Regional Committees.

**37.** A county representative shall cease to hold office:—

- (a) if he is appointed by the Board to any place of profit under this Scheme; or
- (b) if he is adjudged bankrupt or compounds with his creditors; or
- (c) if he becomes of unsound mind; or
- (d) if he is convicted of any offence under sub-section (2) of Section 17 of the Act of 1931; or
- (e) if the Regional Committee by resolution declare that he has been absent from six consecutive meetings of the Committee without reasonable excuse; or

- (f) if he delivers to the Secretary of the Regional Committee a written resignation of his office and the resignation is accepted by the Committee, or if not so accepted, is not withdrawn within seven days.

**38.** If a county representative dies or ceases to hold office under the preceding paragraph, the Regional Committee shall co-opt in his place a registered producer in the same county who shall hold office for so long as his predecessor would have held office.

**39.** The quorum of any Regional Committee shall be such as the Committee may fix from time to time, but shall not be less than three.

**40.** Minutes shall be kept of the proceedings of each Regional Committee, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which they relate or of a meeting at which they were read, be evidence of those proceedings, and the meeting to which any such minutes relate shall, until the contrary is proved, be presumed to have been regularly convened and constituted. A written report of the proceedings at every meeting of a Regional Committee shall be sent to the Board within fourteen days after the meeting.

**41.** The Chairman of a Regional Committee shall be appointed by the Committee from among their own number. In his absence from a meeting, the Committee shall appoint another Chairman from their own number to preside at the meeting.

**42.** The Board shall appoint a Secretary for each Regional Committee, and the Secretary shall convene a meeting of the Regional Committee whenever so required by the Chairman of the Board or of the Regional Committee.

#### *ELECTION OF REGIONAL AND SPECIAL MEMBERS OF THE BOARD AND COUNTY REPRESENTATIVES OF REGIONAL COMMITTEES*

**43.** When an election of a regional member to the Board or an election of county representatives to a Regional Committee is to be held, the Board shall notify the registered producers in the region or in the county as the case may be, by advertisement in the press or otherwise, as the Board deem fit, of the address of the Board to which written nominations of candidates are to be sent and the last day (which shall not be earlier than the fourteenth day after the day of publication or issue of the notice) on which such nominations shall be received; and no person shall be eligible to be elected unless he has been so nominated by at least ten registered producers in the region or in the county as the case may be, and the nominations have been received at the specified address by 6 p.m. on the specified day.

**44.—(1)** If for any region or county not more than one candidate (or, in the case of county representatives, three for Devon or Cornwall or two for any of the counties specified in the Second Schedule of this Scheme) is duly nominated, the candidate (or candidates) nominated shall be deemed to be elected.

(2) If for any region or county no candidate is duly nominated (or, in the case of county representatives, less than three for Devon or Cornwall or less than two for any of the counties specified in the said Second Schedule are nominated) the Board shall fill the vacancies thus arising by its own nominees.

(3) If more than one candidate is duly nominated for any region or county (or, in the case of county representatives, more than three for Devon or Cornwall or more than two for any of the counties specified in the said Second Schedule) a vote shall be taken by post and the Board shall for that purpose send to every registered producer in the region or county a voting paper in such form as the Board think proper, stating the names and addresses of the candidates and specifying the address of the Board to which the voting papers are to be sent and the last day (which shall not be earlier than the tenth day after the day on which the voting papers are sent by the Board) on which the voting

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papers will be received; and no voting paper shall be taken into account unless it is received at the specified address by 6 p.m. on the specified day.

In the event of the loss of a voting paper, the Board may supply a duplicate voting paper.

**45.—(1)** In voting at elections of regional members of the Board each registered producer in the region shall have one vote plus one additional vote for every ten sheep which are over four months old and are in his possession and in the region on such date as the Board may determine for the purpose of any election.

(2) In voting at elections of county representatives of Regional Committees each producer in the county shall have one vote plus one additional vote for every ten sheep which are over four months old and are in his possession and in the county on such date as the Board may determine for the purpose of any election provided that producers in the counties of Devon and Cornwall shall have three times the said number of votes and producers in any of the counties specified in the Second Schedule of this Scheme shall have twice the said number of votes but shall not give more than a third or a half, as the case may be, of their total votes in favour of one candidate.

(3) Each person voting shall sign his voting paper and add his address. If a voting paper is unsigned or the address of the voter is not given, or if the voter purports to vote for more candidates than there are persons to be elected, the voting paper shall not be taken into account.

(4) Subject as aforesaid, the votes of a person entitled to vote shall not be rejected by reason of any defect in the manner in which he has filled up the voting paper.

(5) Where it does not clearly appear from a voting paper whether or not the voter intended to vote in favour of any particular candidate, he shall be taken not to have voted in favour of that candidate.

(6) The Board shall cause the votes to be counted, and the candidates who receive the most votes shall be declared elected, and the Board shall publish the result.

**46.** If a person duly elected to a Regional Committee is also elected a regional member of the Board, he shall hold office on the Regional Committee only by virtue of his position as regional member of the Board and if a person duly elected to a Regional Committee is also elected a special member of the Board he shall retire from the Regional Committee and the Committee, as constituted for the time being, shall in either case co-opt another person to fill the vacancy in the membership of the Committee.

**47.** The provisions of paragraphs 43 to 46 of this Scheme shall, subject to such variation as the nature of the case requires, be applicable to elections of special members of the Board; provide that:

- (a) a person shall not be eligible for election as a special member of the Board unless he has been so nominated by the Board, or at least one hundred registered producers;
- (b) when one special member is to be elected, each registered producer shall have one vote plus one additional vote for every ten sheep which are over four months old and are in his possession on such date as the Board may determine for the purpose of any election;
- (c) when two special members are to be elected, each registered producer shall have twice the said number of votes, but shall not give more than half of his total votes in favour of one candidate.

#### *EXPENSES OF MEMBERS OF COMMITTEES*

**48.** The Board may pay to members of the Committees of the Board, members of Regional Committees and valuation appeal tribunals as constituted in accordance with the provisions of paragraph 91, and members of any Advisory Committee set up by the Board, or to any person appointed by the Board to represent them on an Advisory Committee set up by any other persons or



organisations, such travelling or other expenses as have in the opinion of the Board been reasonably incurred by them in the performance of their duties.

## PART III

### REGISTRATION OF PRODUCERS

**49.** The Board shall keep a register of producers (in this Scheme referred to as “the register”) and every producer shall on application to the Board be entitled to be registered therein.

**50.** The register shall be open for inspection at the office of the Board in England from 10 a.m. to 4 p.m. on week days other than Saturdays, except Christmas Day, Good Friday, and any Bank Holiday or customary holiday.

**51.** A copy of the register, or any part thereof, shall be furnished by the Board to any person demanding it on payment of a fee which shall not exceed three shillings for every hundred words copied.

**52.** The Board, on being satisfied that a person who is registered has ceased to be a producer or is exempt from registration, shall remove his name from the register;

provided that the name of a person shall not be removed from the register without his consent by reason only that he is exempt from registration.

**53.** A producer shall be exempt from registration if he has not had in his possession more than four sheep, aged over four months, at any one time either in the current or in the preceding calendar year, or if he is a fellmonger and produces wool only in the course of his business as such.

**54.** Where, by reason of a registered producer dying or becoming subject to some legal disability or entering into a composition or scheme of arrangement with his creditors, any property in or control of wool is transferred from the registered producer to a personal representative, trustee, committee or other person, the personal representative, trustee, committee or other person, as the case may be, shall for all or any of the purposes of this Scheme, be deemed to be a producer.

## PART IV

### POLLS

**55.** Within six weeks of the coming into force of this Scheme, a poll of registered producers shall be taken on the question whether this Scheme is to remain in force. The said poll (in this Scheme referred to as the “initial poll”) and any poll held in connection with a proposal for the amendment or revocation of this Scheme shall be taken in accordance with the succeeding provisions of this part of the Scheme.

**56.** The producers who are entitled to vote on the poll shall be the producers who are registered on the qualifying date, that is to say:—

- (a) In the case of the initial poll, the date of expiry of the time for registration specified in the notice to be published in accordance with sub-section (1) of Section 4 of the Act of 1931.
- (b) In the case of any other poll, such date as may be determined by the Board.

Provided that a producer who is exempt from registration shall, notwithstanding that he is registered, not be entitled to vote on the initial poll.

**57.** The poll shall be conducted by post and the Board shall, not later than the tenth day after the qualifying date, send a voting paper to every producer entitled to vote. In the event of the loss of a voting paper so sent, the Board may supply a duplicate voting paper.

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**58.** For the purpose of any poll the voting paper shall be substantially in the form set out in the Third Schedule of this Scheme, and only voting papers which are properly completed and which reach the office of the Board on or before the fifteenth day after the qualifying date shall be taken into account.

**59.** For the purpose of any poll, a producer shall be deemed to be capable of producing one unit of wool for every complete ten sheep over four months old in his possession at the qualifying date.

**60.** Any voting paper which is mutilated or otherwise defaced so as not to be clearly decipherable shall be disregarded.

**61.** Any person who knowingly makes any false statement in a voting paper shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, or to a fine not exceeding £100, or to both such imprisonment and fine.

**62.** The Board shall cause the votes given on any poll to be counted by an independent person and the result of the poll as certified by him shall, as soon as possible, be declared at a meeting of the Board by the chairman at that meeting, and shall be published in *The Times*, *The Scotsman*, *The Glasgow Herald*, *The Belfast News Letter* and *The Western Mail* newspapers, or at the option of the Board by sending a notice thereof in the case of the initial poll to every person who is known to the Board to be a producer, and in the case of any other poll, to every registered producer.

## PART V

### FINANCIAL PROVISIONS

**63.** The Board shall establish a fund (in this Scheme referred to as “the fund”) which shall be administered and controlled by the Board. All moneys received by the Board shall be paid into the fund and any moneys required by the Board for the operation of this Scheme shall be paid out of the fund.

#### GENERAL

**64.** The Board may borrow money in such manner, on such terms and may give such security as may be arranged with the lender.

**65.** Any moneys for the time being standing to the credit of the fund may be left on current or deposit account or on deposit receipt in any bank, or if not for the time being required for the purposes of the functions of the Board may be invested but, except with the approval of the Minister, shall not be invested otherwise than in securities in which a trustee is authorised under Sections 1 and 2 of the Trustee Act, 1925, as extended by any subsequent enactment, to invest trust funds, or in any stocks, funds or securities mentioned in Sections 10 or 11 of the Trusts (Scotland) Act, 1921, or for the time being approved by the Court of Session under Section 27 of the last mentioned Act.

#### ACCOUNTS

**66.** The Board shall keep proper accounts and in particular shall annually make out a balance sheet and either an income and expenditure account, or if the Board trades for profit, a profit and loss account, and shall cause them to be audited by a member of one of the Chartered Societies in Scotland or of the Institute of Chartered Accountants in England and Wales or of the Society of Incorporated Accountants and Auditors or of the Corporation of Accountants Limited or of the London Association of Certified Accountants Limited nominated by a general meeting of registered producers, and as soon as may be after the auditor has reported thereon, and in any case within four months of the close of the period covered by the income and expenditure account or profit and loss account shall send to the Minister and to every registered producer a copy of the account and balance

sheet and of the report of the auditor thereon, and also a report by the Board as to the working of this Scheme in the period covered by the income and expenditure or profit and loss account, and which shall include a statement of the manner in which, in accordance with paragraph 65, any moneys are invested.

Provided that the person who is to audit the first balance sheet and income and expenditure or profit and loss account made out by the Board under this section shall be nominated by the Board instead of by a general meeting of the registered producers.

67. The Board shall, on the demand of any person and on payment by him of such fee not exceeding one shilling as may be fixed by the Board, furnish to him a copy of any of their balance sheets.

## PART VI

### MARKETING PROVISIONS AND PRINCIPAL POWERS OF THE BOARD

#### *SUSPENSORY PERIOD*

68. The provisions of this Part of this Scheme shall come into force at the expiration of the Suspensory Period, that is to say, at the expiration of the 31st day after the day on which the result of the initial poll is declared to be favourable to the continuance in force of this Scheme.

#### *PROHIBITION OF SALES BY UNREGISTERED PRODUCERS*

69. A producer shall not sell any wool either in the United Kingdom or elsewhere, unless he is registered or exempt from registration.

#### *EXEMPTIONS*

70.—(1) The Board may from time to time prescribe that any description of producers, wool, or sales of wool, shall be exempt from such of the provisions of this Scheme as may be specified in the prescription.

(2) There shall be exempted from this part of the Scheme all sales of skin wool by a registered producer who is a fellmonger and has produced that skin wool in the course of his business as such.

#### *POWER TO REGULATE MARKETING*

71.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, no registered producer shall sell any wool except through the agency of the Board, and the Board shall be entitled to receive the purchase price of all wool sold through their agency from the purchaser thereof.

(2) The Board may prescribe that registered producers or any class of registered producers shall sell wool or any description of wool only to the Board and if they so prescribe they may also (subject to the provisions of paragraph 72 of this Scheme) prescribe the terms on which such sales shall be made.

(3) Every registered producer shall comply with any directions of the Board as to the notice to be given to the Board of any wool for sale and as to the persons to whom and the places to which any wool for sale is to be delivered;

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provided that the Board shall give due consideration to any application by registered producers (made upon such notice as the Board may require) as to the persons to whom or the places to which the wool is to be delivered.

(4) The Board may prescribe the manner in which wool for sale or any description or quantity thereof shall be adapted for sale, marked, packed, stored, transported or insured by registered producers.

(5) The Board may prescribe that no registered producer shall deliver any wool for sale or any description or quantity thereof except within such period after it is produced as the Board may prescribe, unless with the Board's consent. Any such consent may be given subject to such conditions, including payment of such charges not exceeding sixpence per pound as the Board shall think appropriate.

**72.—**(1) For the purposes of this paragraph, a “year” means a year beginning on the first day of May, and “duly tendered” means adapted for sale, marked, packed, stored, transported and insured in accordance with any prescriptions of the Board and notified and delivered in accordance with any directions of the Board.

(2) The Board shall accept for sale, or by way of sale, as the case may be, all wool duly tendered by any registered producer and shall sell the same at such time or times and in such manner and to or through such persons (including the Board) as the Board may think fit.

(3) If any wool shall be duly tendered by any registered producer but, by reason of any request or direction of the Board to that effect shall not have been duly tendered before the 1st September in the year of production, the Board shall pay to the registered producer interest, at such rate as the Board may prescribe, on the value of that wool from the said 1st September until delivery of the wool shall be permitted or directed by the Board.

(4) At or before the beginning of each year the Board shall publish a schedule of maximum prices at which wool of each class specified in that schedule will be valued for the purpose of the following sub-paragraphs.

(5) As soon as practicable after any wool has been duly tendered by any registered producer or accepted for or by way of sale by the Board during the year the Board shall cause it to be valued having regard to the prescribed schedule of maximum prices and to the class or classes and the quality and condition of the wool and thereupon the Board shall notify the registered producer of the result of such valuation.

(6) The said valuation shall be conclusive as to the value of the wool unless within ten days after the receipt of the said notification the registered producer shall give notice of appeal against the valuation in such manner as the Board may prescribe, and in that case the matter shall be referred to a tribunal constituted in the manner described in paragraph 91 of this Scheme. The Tribunal shall thereupon decide the value and this decision shall be conclusive as to the value of the wool.

(7) When the value of the wool is finally decided the Board shall pay that amount to the producer.

(8) Subject to the provisions of any financial arrangement made with His Majesty's Government, the Board may if they think fit, pay to registered producers any supplementary sums for wool duly tendered during the year.

(9) The Board may deduct from and retain out of any sum payable to any registered producer any moneys due to the Board from that registered producer.

(10) The Board shall not be liable to account to any registered producer for the price of any wool except in accordance with the foregoing provisions of this paragraph, but subject to the provisions of any financial arrangement made with His Majesty's Government any sums received from the sale of wool remaining in the hands of the Board, after payment to registered producers of the amounts aforesaid and after payment of the Board's expenses and provision of any reserves deemed necessary

by the Board, shall be taken into account by the Board in fixing the schedule of maximum prices for the following year.

#### MISCELLANEOUS POWERS

73.—(1) The Board may:—

- (a) Buy, sell, grade, pack, store, adapt for sale, insure, advertise and transport wool.
- (b) Manufacture or acquire, and sell or let for hire to registered producers and other persons anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of wool, and render to registered producers and other persons, on payment or otherwise, any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of wool;

provided that any such thing sold or let for hire and any services rendered shall be sold, let for hire or rendered either exclusively or primarily in such circumstances as to be likely to be utilised either wholly or mainly by registered producers or in connection with wool produced by them.

(2) The Board may co-operate with any other person in doing any of the things aforesaid, and may do anything calculated to procure, promote or facilitate the doing by any other person of such things.

74. In exercise of the powers set out in paragraphs 70 to 73 of this Scheme, the Board shall have regard to any special conditions affecting the traditional woollen industries of the crofting Counties in Scotland.

75.—(1) The Board may:—

- (a) Furnish to registered producers, or publish in such manner as they think fit, market intelligence and other information likely to promote the efficient production and marketing of wool.
- (b) Encourage, promote, or conduct agricultural co-operation, research and education in connection with the production and marketing of wool.

(2) The Board may lend to any registered producer, on such security (if any) and on such terms as to interest and otherwise as they think fit, a portion not exceeding two-thirds of the amount which they estimate that he will receive from the sale of any wool produced or in course of production by him.

76. The Board may, subject to the provisions of any financial arrangement made with His Majesty's Government, set aside from the fund such sums as they may think fit for the provision of reserves for the operation of this Scheme but subject thereto any moneys standing to the credit of the fund which in the opinion of the Board are not required for the operation of this Scheme, shall be distributed in such manner as the registered producers in general meeting may determine.

#### ESTIMATES AND RETURNS

77. The Board may, when they consider it necessary for the operation of this Scheme so to do, serve on any registered producer a demand in writing requiring him to furnish to them, within such period and in such form and manner and through such channels as may be specified in the demand, such estimates, returns and other information relating to wool as may be so specified.

#### INSPECTIONS

78. Any person authorised in writing by the Board, may, for the purpose of securing compliance with this Scheme, enter and inspect at any reasonable time on production of his authority any part of

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the land or premises occupied by a registered producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing, marking, packing or storing wool, or adapting wool for sale.

#### *CONTRIBUTIONS BY REGISTERED PRODUCERS*

**79.** The Board may in any year ending on the 30th April by resolution require every registered producer to contribute to the fund a sum of such amount as may in the opinion of the Board be necessary for the operation of this Scheme not exceeding one penny per lb. of wool produced by him and accepted by the Board for sale or by way of sale during that year. Every such sum shall be a debt due to the Board.

#### *COMPENSATION*

**80.** Any registered producer who satisfies the Board, or establishes by arbitration in accordance with paragraph 90 of this Scheme, that he has suffered damage by reason of the Board treating him without due cause less favourably than it is their practice to treat other registered producers in like circumstances, shall be entitled to receive from the Board such sum by way of compensation as may be necessary to make good the damage.

#### *IMPOSITION AND RECOVERY OF PENALTIES AND LOSSES*

- (a) **81.** (1) (a) If any registered producer contravenes the provisions of paragraph 71 of this Scheme, or of any prescription of the Board thereunder, then the Disciplinary Committee hereinafter described shall impose upon him and the Board shall recover from him such monetary penalty (not exceeding one hundred pounds plus half the price of any wool sold in contravention of the said provisions) as that Committee think just.
- (b) If any registered producer fails without reasonable excuse to comply with any demand made by the Board in pursuance of paragraph 77 of this Scheme, or if he knowingly makes any false statement in reply thereto, or if he obstructs or interferes with any person duly authorised by the Board under paragraph 78 of this Scheme, the said disciplinary committee shall impose upon such producer and the Board shall recover from him such monetary penalty (not exceeding one hundred pounds) as that Committee think just.
- (c) No such penalty shall be imposed in respect of such a contravention as aforesaid which constitutes an offence under any Act other than the Act of 1931.
- (a) (2) (a) There shall be a Committee of the Board, to be known as the Disciplinary Committee, constituted, at each sitting thereof, of not less than four nor more than six members of the Board and a Chairman who is not a member of the Board but is an independent person who is a barrister of not less than seven years' standing, an advocate of not less than seven years' standing, or a solicitor of not less than seven years' standing and is approved by the Minister.
- (b) No penalty shall be imposed on a registered producer pursuant to this paragraph except after a hearing by the said Committee and by the decision thereof, taken in accordance with the opinion of all or the majority of the members thereof, so however that if there is an equal division of opinion on any question, the opinion of the Chairman shall prevail.
- (c) Notice of the time and place of every such hearing and a written statement of the charge against the producer in question shall be served personally or by registered post on that producer not later than the fourteenth day before the day of the hearing.
- (d) No penalty shall be imposed for any contravention which occurred more than six years before the service of the said written statement of the charge.

- (e) Where such a written statement of a charge against a producer has been sent to or served on him as aforesaid and the charge is withdrawn or is not substantiated before the said Committee the Board shall have the power and to such extent as the Committee may decide the duty to make payments to the producer in respect of his costs in connection with the charge.
- (f) The said Committee, if they find that a contravention has occurred, may postpone the imposition of a penalty for a period not exceeding twelve months.

(3) As soon as may be after every hearing by the Disciplinary Committee, written notice of their decision shall be sent to the registered producer in question, and he may, on or before the fourteenth day after the date on which the notice was so sent to him give notice to the Board referring the matter to arbitration under the provisions of this Scheme, and, if the matter is so referred, no proceedings shall be taken by the Board otherwise than for the purposes of the arbitration or to enforce the award of the arbitrator; and the arbitrator may award payment by the producer of such penalty or other sums (if any) as he thinks just but not exceeding the maximum penalty or other sums respectively which could have been imposed or required by the Disciplinary Committee.

(4) The said Committee shall have the power to reconsider their decision in relation to the case of any registered producer if, upon considering any written application in that behalf by the registered producer in question made within six months after the date of the original hearing by the said Committee, the Committee are satisfied that:—

- (a) there may be facts relevant to the case other than the facts which were before the Committee at the original hearing; and
  - (b) if such other facts had previously been known to the Committee their decision would have been influenced thereby; and
  - (c) the matter has not been referred to arbitration pursuant to sub-paragraph (3) of this paragraph.
- (5) (a) If the said Committee determine pursuant to the last preceding sub-paragraph of this paragraph to reconsider any case it shall be their duty to re-hear the case and if as a result they are of opinion that a substantial miscarriage of justice has occurred they shall vary the previous decision of the Committee and the Board shall thereupon give effect to any such variation.
- (b) the provisions of sub-paragraphs (2) (b) and (3) of this paragraph shall apply to every such re-hearing.

**82.** Subject as aforesaid every penalty imposed and every sum required to be paid by a decision of the disciplinary committee shall be a debt due to the Board and recoverable accordingly.

## PART VII

### MEETINGS OF REGISTERED PRODUCERS

**83.** An Annual General Meeting of registered producers shall be held at such time and place as the Board or a General Meeting may determine.

**84.** The Board may convene general or regional meetings of registered producers.

**85.** The Chairman of every General or Regional Meeting shall be appointed by the Board;

provided that if the person appointed by the Board is not present within fifteen minutes after the time appointed for the meeting, the meeting shall choose a Chairman.

**86.—**(1) Notice of the holding of a General or Regional Meeting stating the place, date and hour of the meeting, the business to be transacted thereat, and the name of the Chairman shall be given

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by the Board to all registered producers or to registered producers in the region as the case may be, at least fourteen clear days before the date of the meeting. Such notice may, at the discretion of the Board, be given by suitable advertisement in newspapers circulating in the area of the Scheme or the region concerned.

(2) No business shall be transacted at any meeting other than the business of which notice has been given as aforesaid by the Board.

**87.**—(1) Every question put to the vote of a General or Regional Meeting shall be decided by a show of hands unless a ballot is (before or on the declaration of the result of the show of hands) demanded by the Board or by at least one third of the registered producers who are personally present at the meeting or, in the case of a General Meeting, by any ten duly elected members of Regional Committees personally present at the General Meeting. On a ballot the Board shall determine the form of the voting paper and shall cause to be sent to every registered producer or, in the case of a regional meeting, every registered producer in the region, along with the voting paper such directions for the guidance of registered producers in voting as they may determine. The voting paper shall be sent by post to the registered producers concerned as soon as practicable after the meeting at which the ballot is demanded. The Board shall determine the last date for the receipt of completed voting papers, how the votes shall be counted, and the manner in which registered producers shall be informed of the result of the vote.

(2) On a show of hands every registered producer entitled to vote shall have one vote and the declaration of the chairman as to the result of the vote shall be final.

On a ballot every registered producer entitled to vote shall have one vote plus one additional vote for every ten sheep which are over four months old and are in his possession on such date as the Board may determine for the purpose of any meeting provided that for purposes of voting at Regional Meetings only sheep in the region on the appropriate date shall be counted.

In the case of an equality of votes, whether on a show of hands or on a ballot, the chairman of the meeting at or following which the vote is taken, shall be entitled to an additional or casting vote.

## PART VIII

### AMENDMENT AND REVOCATION OF SCHEME AND WINDING UP OF THE BOARD

**88.**—(1) Before submitting a substitutional Scheme or amendment of this Scheme to the Minister, the Board shall publish the proposed Scheme or amendment by serving notice thereof on every registered producer.

(2) A poll on the question whether or not a substitutional Scheme or an amendment of this Scheme shall be submitted to the Minister may, within one month from the publication thereof, be demanded in writing by any five hundred registered producers, and a poll on the question whether or not this Scheme is to be revoked may be demanded at any time in the said manner by any five hundred registered producers; but no poll on the question whether or not this Scheme is to be revoked shall, without the consent of the Board, be taken within two years from the date of the declaration of the result of the initial poll or within two years from the date of the declaration of the result of any previous poll on that question.

(3) Part IX of the Companies Act, 1948 (which relates to the winding up of unregistered companies), shall apply in relation to the Board subject to the modifications set out in paragraphs 4 to 8 inclusive of the Second Schedule to the Act of 1931.

(4) In the event of the winding up of the Board, the contributions under paragraph 7 of the Second Schedule to the Act of 1931, in the case of each person liable to contribute, shall be assessed



proportionately to the quantity of wool which each contributor sold through the Board during the relevant period as defined in paragraph 8 of the Second Schedule to the Act of 1931 and shall not exceed one halfpenny per lb. of such wool.

## PART IX

### MISCELLANEOUS

**89.** For the purpose of this Scheme the sale of any product wholly or partly manufactured or derived from wool shall be deemed to be a sale of wool if the substance of the transaction between the seller and the buyer is that the seller, being in possession of wool, agrees to subject it, or cause it to be subjected, to some process and to sell the resulting product to the buyer.

**90.** Any producer who is aggrieved by any act or omission of the Board may refer the matter to the arbitration of a single arbitrator to be agreed upon between him and the Board, or in default of agreement, to be appointed by the Minister, on the application of either party, and the arbitrator may make such order in the matter as he thinks just.

Every such arbitration shall be held in such place in the United Kingdom as the arbitrator may appoint, and shall be conducted in accordance with the law of that place.

**91.—(1)** A valuation appeal tribunal shall be constituted as often as required for the purposes of paragraph 72 (6) of this Scheme in the following manner.

(2) The Board shall keep for each region three panels of persons willing to serve on the valuation appeal tribunal; the first panel shall consist of persons nominated by those County Branches of the National Farmers' Union which are within the region, or by those Area Executives of the National Farmers' Union of Scotland which are within the region, or by the Ulster Farmers' Union as the case may be; the second panel shall consist of persons nominated by such body or bodies as the Board may think best fitted to represent the views of wool merchants; and the third panel shall consist of persons nominated by the Board.

(3) A valuation appeal tribunal shall consist of five persons appointed by the Board from the panels for the region in which the wool was valued, or for such other region as the Board and the producer may agree, namely, one person from the panel nominated by the Board and two persons from each of the other panels.

**92.** Subject to the provisions of paragraph 81 of this Scheme, any requirement of this Scheme that a notice or document shall be sent to a person by the Board shall be deemed to have been complied with if, within the period (if any) limited for the sending of the notice or document, the notice or document is despatched to him by post, properly addressed and with the postage prepaid. A notice or document shall be deemed to be properly addressed if it is addressed either to the address last used by the person in his correspondence or to an address provided by the person for entry in the register.

**93.** Where the Board purport to prescribe any matter they shall record the resolution containing the prescription in a separate record of prescriptive resolutions, which shall be open for inspection at the principal offices of the Board in England, Wales, Scotland and Northern Ireland, at such times as are specified in paragraph 50 of this Scheme. Any person shall be entitled to be supplied with a copy of any entry therein on payment of a fee not exceeding 1s. for each resolution copied, or to take extracts therefrom free of charge.

**94.** The Board shall send to every registered producer a copy of every prescriptive resolution as soon as practicable after it is made.