

Prevention of Damage by Pests Act, 1949

12 & 13 GEO. 6. CH. 55

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CHAPTER 55.

An Act to re-enact with modifications the Rats and Mice (Destruction) Act, 1919; to make permanent provision for preventing loss of food by infestation; and for purposes connected therewith. [30th July 1949.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

RATS AND MICE.

1.—(1) The local authorities for the purposes of this Part of this Act in England and Wales shall be the Common Council of the City of London and the councils of metropolitan boroughs, county boroughs and county districts: Local authorities for the purposes of Part I.

Provided that—

- (a) the local authority for any port health district, whether constituted before or after the commencement of this Act, shall be the port health authority; and
- (b) in relation to sewers vested in the council of any county, the functions of the local authority under this Part of this Act shall be exercisable by that council and not by any other authority.

(2) The local authorities for the purposes of this Part of this Act in Scotland shall be the local authorities within the meaning of the Public Health (Scotland) Act, 1945, and port local authorities within the meaning of section one hundred and seventy-two of the Public Health (Scotland) Act, 1897.

PART I.
—cont.

(3) Section six of the Public Health Act, 1936 (which provides for the constitution of united districts for any of the purposes of that Act) shall have effect as if the purposes of this Part of this Act were purposes of that Act.

Duties of
local
authorities.

2.—(1) It shall be the duty of every local authority to take such steps as may be necessary to secure so far as practicable that their district is kept free from rats and mice, and in particular—

- (a) from time to time to carry out such inspections as may be necessary for the purpose aforesaid ;
- (b) to destroy rats and mice on land of which they are the occupier and otherwise to keep such land so far as practicable free from rats and mice ;
- (c) to enforce the duties of owners and occupiers of land under the following provisions of this Part of this Act, and to carry out such operations as are authorised by those provisions.

(2) Every local authority shall keep such records and make such reports relating to their functions under this Part of this Act as may be required by any directions given by the Minister thereunder.

Obligation of
occupiers of
land to
notify local
authority of
rats and mice.

3.—(1) Subject to the provisions of this section, the occupier of any land shall give to the local authority forthwith notice in writing if it comes to his knowledge that rats or mice are living on or resorting to the land in substantial numbers.

(2) The foregoing subsection shall not apply to agricultural land, and the Minister may make regulations providing that that subsection shall not apply to such other land as may be prescribed by or under the regulations, or shall apply thereto subject to such modifications as may be so prescribed.

(3) A person shall not be required to give notice under this section to the local authority of any matters of which notice is given to the Minister in pursuance of Part II of this Act.

(4) Any person who fails to give a notice which he is required to give under this section shall be liable on summary conviction to a fine not exceeding five pounds.

Power of local
authority to
require
action.

4.—(1) If in the case of any land it appears to the local authority, whether in consequence of a notice given in respect of the land under the last foregoing section or otherwise, that steps should be taken for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice, they may serve on the owner or occupier of the land a notice requiring him to take, within such reasonable period as may be specified in the notice, such reasonable steps for the purpose

aforesaid as may be so specified; and where the owner of any land is not also the occupier thereof separate notices may be served under this section on the owner and on the occupier.

(2) Any such notice may in particular require—

- (a) the application to the land of any form of treatment specified in the notice;
- (b) the carrying out on the land of any structural repairs or other works so specified,

and may prescribe the times at which any treatment required by the notice is to be carried out.

(3) Where the local authority serve a notice under this section in relation to agricultural land, they shall forthwith inform the County Agricultural Executive Committee for the county in which the land is situated.

(4) If on a complaint made by the owner of any land it appears to a court of summary jurisdiction that the occupier of the land prevents the owner from carrying out any work which he is required to carry out by a notice under this section, the court may order the occupier to permit the carrying out of the work.

(5) Subsections (3) to (5) of section two hundred and ninety of the Public Health Act, 1936 (which provide for an appeal to a court of summary jurisdiction against certain notices requiring the execution of works under that Act) shall apply to any notice served under this section requiring the carrying out of any structural works as they apply to any such notice as is mentioned in subsection (1) of that section; and sections three hundred to three hundred and two of that Act (which contain supplementary provisions relating to such appeals) shall have effect accordingly.

(6) In the application of this section to Scotland—

- (a) for the reference to the County Agricultural Executive Committee for the county in which the land is situated there shall be substituted a reference to the Agricultural Executive Committee for the area in which the land is situated;
- (b) for references to a complaint and to a court of summary jurisdiction there shall be substituted references to an application and to the sheriff;
- (c) for subsection (5) there shall be substituted the following subsection—

“ (5) Section twenty of the Housing (Scotland) Act, 1930 (which provides for an appeal to the sheriff against certain notices requiring the execution of

PART I.
—cont.

works under that Act) shall apply to any notice served under this section requiring the carrying out of any structural works as it applies to any such notice as is mentioned in paragraph (a) of subsection (1) of that section.”

Remedies for failure to comply with notice under s. 4.

5.—(1) Subject to the provisions of the last foregoing section with respect to appeals, if any person on whom a notice is served by the local authority under that section fails to take any steps required by the notice at the time or within the period prescribed by the notice, the local authority may themselves take those steps and recover from him any expenses reasonably incurred by them in doing so.

(2) Without prejudice to the provisions of subsection (1) of this section, but subject to the provisions of the last foregoing section with respect to appeals, a person who fails to take any steps as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding in the case of a first offence fifty pounds, and in the case of a second or any subsequent offence one hundred pounds.

Additional powers of local authorities in relation to groups of premises.

6.—(1) If it appears to the local authority that rats or mice are found in substantial numbers on any land comprising premises in the occupation of different persons and that it is expedient to deal with the land as one unit for the purpose of destroying rats or mice or keeping the land so far as practicable free from rats and mice, they may, without serving notices under section four of this Act on the occupiers or owners of those premises, themselves take in relation to the land such steps as they consider necessary or expedient for the purpose aforesaid :

Provided that the steps taken by the local authority under this section shall not include the carrying out of any structural work.

(2) Without prejudice to the provisions of section twenty-two of this Act requiring notice to be given before entry upon land under that section, a local authority shall, before taking any steps under this section in relation to any premises, give to the occupier at least seven days' notice of their intention to do so, specifying the steps proposed to be taken.

(3) Any expenses reasonably incurred by a local authority in taking steps under this section in relation to any land may be recovered by that authority from the several occupiers of the premises comprised in that land in such proportion as may be just having regard to the cost of the work done on the several premises.

(4) For the purposes of this section, any premises which are unoccupied shall be deemed to be in the occupation of the owner, and references in this section to the occupier shall be construed accordingly.

7.—(1) Any expenses recoverable by a local authority under section five or section six of this Act may be recovered as a simple contract debt in any court of competent jurisdiction.

(2) Sections two hundred and ninety-one, two hundred and ninety-two and two hundred and ninety-four of the Public Health Act, 1936 (which provide respectively for charging on the premises expenses recoverable under that Act from the owner, for the inclusion of sums in respect of establishment charges in expenses recoverable under that Act, and for limiting the liability for expenses recoverable under that Act of owners receiving rent as agent or trustee) shall so far as applicable apply to expenses recoverable by a local authority under section five or section six of this Act as they apply to expenses recoverable under that Act by a local authority within the meaning of that Act.

(3) In proceedings under this section by a local authority for the recovery of any expenses incurred by them under section five of this Act, it shall not be open to the defendant to raise by way of defence any question which he could have raised on an appeal under section four of this Act.

(4) In the application of this section to Scotland, for subsection (2) there shall be substituted the following subsection—

“(2) Sections fifty-five, fifty-six and fifty-seven of the Water (Scotland) Act, 1946 (which provide respectively for charging orders in favour of local authorities in respect of expenses recoverable under that Act, for the recovery by instalments of expenses recoverable under that Act, and for limiting the liability for expenses recoverable under that Act of owners receiving rent in a fiduciary capacity) shall, so far as applicable, apply to expenses recoverable by a local authority under section five or section six of this Act as they apply to expenses recoverable under that Act by a local authority within the meaning of that Act.”

8.—(1) The Minister may make regulations for securing that such steps will be taken in connection with the threshing or dismantling of any rick of corn or other crops specified in the regulations as to ensure the destruction of rats or mice escaping from the rick.

Provisions as
to threshing
and
dismantling
of ricks.

(2) Regulations under this section may impose such requirements on the owner of any such rick, and on any person engaged in or concerned with the threshing or dismantling, as may appear to the Minister necessary for the purpose aforesaid; and any person who fails to comply with any of those requirements shall be liable on summary conviction to a fine not exceeding fifty pounds or such less amount, if any, as may be prescribed by the regulations.

(3) In the application of this section to Scotland, for references to a rick there shall be substituted a reference to a stack.

PART I.

—cont.

Power of local authority to require information as to interests in land.

9.—(1) A local authority may, for the purpose of enabling them to perform any of their functions under this Part of this Act, require the occupier of any land, and any person who directly or indirectly receives rent in respect of any land, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, lessee, mortgagee or otherwise.

(2) Any person who, having been required by a local authority under this section to give them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

(3) In the application of this section to Scotland for the words from “freeholder” to the end of subsection (1) there shall be substituted “superior, owner, heritable creditor, lessee or otherwise”; and the expression “heritable creditor” shall have the like meaning as in the Town and Country Planning (Scotland) Act, 1947.

Authentication of documents, service of notices, etc.

10.—(1) Sections two hundred and eighty-four to two hundred and eighty-six of the Public Health Act, 1936 (which relate to the authentication of documents, the service of notices and the proof of proceedings of local authorities) shall apply to documents, notices and proceedings of local authorities in England and Wales under this Part of this Act (whether or not they are local authorities within the meaning of that Act) as they apply to documents, notices and proceedings of local authorities under that Act.

(2) Sections three hundred and forty-seven, three hundred and forty-nine and three hundred and fifty of the Local Government (Scotland) Act, 1947 (which relate to the authentication of documents, the service of notices and evidence of proceedings of local authorities) shall apply to documents, notices and proceedings of a local authority in Scotland under this Part of this Act (whether or not being a local authority within the meaning of that Act) as they apply to documents, notices and proceedings of a local authority under that Act.

Exchequer grants to local authorities.

11. The Minister may make to local authorities, subject to such conditions as he may with the consent of the Treasury determine, grants equal to one half of the expenditure incurred by those authorities in the performance of their functions under this Part of this Act, so far as not recovered thereunder.

Powers of Minister with respect to functions of local authorities.

12.—(1) The functions of a local authority under this Part of this Act shall be exercised in accordance with any general or specific directions of the Minister, which may be given either to local authorities generally or to any particular local authority or class of local authorities:

Provided that the validity of anything done by a local authority in pursuance of this Act shall not be called in question on the

ground that it was done otherwise than in accordance with any such directions as aforesaid.

(2) Where the Minister is satisfied, on complaint or otherwise, that any of the functions of a local authority under this Part of this Act are not being satisfactorily performed by the authority, he may by order empower any person named in the order to exercise those functions on behalf of the authority.

(3) Before making an order under this section, the Minister shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.

(4) Any expenses incurred under this section by a person named in an order made by the Minister thereunder shall on demand be paid to the Minister by the local authority.

(5) An order under this section may be varied or revoked by a subsequent order.

(6) In the application of this section to Scotland, for subsection (3) there shall be substituted the following subsection:—

“(3) Before making an order under this section, the Secretary of State shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of subsections (3) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall apply to any such inquiry.”

PART II.

INFESTATION OF FOOD.

13.—(1) Subject to the provisions of this section, every person whose business consists of or includes the manufacture, storage, transport or sale of food, shall give to the Minister forthwith notice in writing if it comes to his knowledge that any infestation is present—

Obligation of certain undertakers to give notice of occurrence of infestation.

(a) in any premises or vehicle, or any equipment belonging to any premises or vehicle, used or likely to be used in the course of that business for the manufacture, storage, transport or sale of food;

PART II.
—cont.

- (b) in any food manufactured, stored, transported or sold in the course of that business, or in any other goods for the time being in his possession which are in contact or likely to come into contact with food so manufactured, stored, transported or sold.

(2) Subject to the provisions of this section, every person whose business consists of or includes the manufacture, sale, repair or cleaning of containers shall forthwith give notice in writing to the Minister if it comes to his knowledge that any infestation is present in any container for the time being in his possession which is to be used for the reception of food in the course of any such business as is mentioned in subsection (1) of this section.

(3) The Minister may after consultation with such associations or bodies (if any) as appear to him to be representative of persons affected, make regulations—

- (a) for relaxing or excluding the requirements of this section in such cases and subject to such conditions (if any) as may be prescribed by or under the regulations ;
- (b) for prohibiting or restricting the delivery in the course of business of any food or other goods in respect of which notice is or is required to be given to the Minister under this section.

Power of
Minister
to give
directions
to certain
undertakers
for preventing
or mitigating
infestation.

14.—(1) Without prejudice to the provisions of any regulations made under the last foregoing section, the Minister may, if he is satisfied, whether in consequence of a notice under the last foregoing section or otherwise, that it is necessary to do so for the purpose of preventing or mitigating damage to food, give such directions under the following provisions of this section as he thinks expedient.

(2) Directions may be given under this section to any person whose business consists of or includes the manufacture, storage, transport or sale of food—

- (a) prohibiting or restricting the use for the manufacture, storage, transport or sale of food in the course of that business of any premises or vehicle, or any equipment belonging to any premises or vehicle, which is or is likely to become infested ;
- (b) prohibiting or restricting the acceptance, delivery, retention or removal in the course of that business of any infested food or of any other infested goods which are likely to come into contact with food manufactured, stored, transported or sold as aforesaid ;
- (c) requiring the carrying out, within such time as may be specified in the directions, of any structural works, or the application of any form of treatment, being works

or treatment appearing to the Minister to be necessary for preventing or remedying infestation in any such premises, vehicle, equipment, food or other goods as aforesaid.

(3) Directions may be given under this section to any person whose business consists of or includes the manufacture, sale, repair or cleaning of containers, requiring the treatment of any infested container, or of any infested premises in which the business is carried on, in such manner as may be specified in the directions, and prohibiting the removal of any such container until it has been so treated.

(4) Where the Minister is satisfied that any food or container in the possession of a person carrying on any such business as is mentioned in subsection (2) or subsection (3) of this section is so infested that the infestation cannot reasonably be remedied by any form of treatment, he may give directions under this section to that person requiring him to destroy it within such time and by such means as may be specified in the directions.

15.—(1) Where directions are given under the last foregoing section requiring the carrying out of any structural works, or the destruction of any food or container, any person who is aggrieved thereby may—

- (a) in the case of directions requiring the carrying out of any structural works, within twenty-one days from the service of the directions ;
- (b) in the case of directions requiring the destruction of any food or container, within seven days from the service of the directions,

appeal to a court of summary jurisdiction for the petty sessional division or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated.

(2) Upon any such appeal the court, if satisfied that the directions are for any reason invalid, or that any requirement thereof is excessive or unreasonable, may quash or amend the directions, as the case may be, but in any other case shall dismiss the appeal :

Provided that if and so far as the appeal is based on the ground of some informality, defect or error in or in connection with the directions, the court shall dismiss the appeal if satisfied that the informality, defect or error was not a material one.

(3) Any directions given under the last foregoing section requiring the carrying out of any structural works, or the destruction of any food or container, shall include a statement of the right of appeal under this section, and of the time within which such an appeal may be brought.

PART II.
—cont.

(4) An appeal shall lie to quarter sessions from the decision of a court of summary jurisdiction under this section in respect of directions requiring the carrying out of any structural works.

(5) In the application of this section to Scotland—

(a) in subsection (1), for the words from “to a court” to the end of the subsection there shall be substituted the words “by way of an application to the sheriff in whose jurisdiction the works are required to be carried out or, as the case may be, in which the food or container is for the time being”;

(b) subsection (4) shall not apply.

Powers of
Minister in
case of
failure to
comply with
directions.

16.—(1) Subject to the provisions of the last foregoing section with respect to appeals, if any person to whom directions are given by the Minister under section fourteen of this Act fails to comply with any requirement of the directions within the period prescribed thereby, then, without prejudice to any proceedings which may be taken against him in respect of an offence under this Part of this Act, the Minister may by order authorise any person named in the order to take, on behalf of the person in default, such steps as the Minister considers necessary for securing compliance with that requirement.

(2) The amount of any expenses reasonably incurred by a person authorised as aforesaid in carrying out works under this section may be recovered by the Minister from the person in default.

(3) In proceedings for the recovery of any expenses under this section, it shall not be open to the defendant to raise by way of defence any question which he could have raised on an appeal under the last foregoing section.

Offences
against
Part II.

17. Subject to the provisions of this Part of this Act with respect to appeals, any person who contravenes or fails to comply with this Part of this Act or any directions given thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding in the case of a first offence one hundred pounds, and in the case of a second or any subsequent offence two hundred pounds.

Power of
Minister to
delegate to
local
authorities.

18.—(1) The Minister may with the consent of any local authority for the purposes of Part I of this Act by order delegate to that authority any of his functions under this Part of this Act (except subsection (3) of section thirteen of this Act), subject to such restrictions and conditions as may be specified in the order.

(2) An order made under this section delegating functions to a local authority may direct that in such cases as may be prescribed by the order any notice of infestation required to be given under section thirteen of this Act shall be given to the local authority instead of being given to the Minister.

(3) Any order under this section shall provide for the repayment by the Minister to the local authority of any expenses incurred by them in the performance of functions delegated by the order so far as those expenses are not otherwise recoverable under this Act.

PART II.
—cont.

(4) An order under this section may be revoked or varied by a subsequent order.

PART III.

SUPPLEMENTAL.

19.—(1) The Minister may make regulations for controlling the methods for keeping down or destroying rats, mice, insects or mites which may be used by persons carrying on business in the provision of services for that purpose ; and such regulations may in particular— Control of methods of destruction of pests, &c.

- (a) approve different methods for use in different circumstances ;
- (b) prohibit the use by persons to whom the regulations apply of any method other than a method so approved.

(2) Any person who fails to comply with regulations made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding in the case of a first offence one hundred pounds, and in the case of a second or any subsequent offence two hundred pounds.

20.—(1) No notice served after the commencement of this Act under section ninety-eight of the Agriculture Act, 1947 (which enables the Minister to require the destruction of animals to which that section applies) shall require any person to take any steps which he could have been required to take by a notice served under section four of this Act ; but nothing in this subsection shall affect the provisions of section one hundred and one of the said Act of 1947 as to the rendering by the Minister of assistance in the destruction of animals to which the said section ninety-eight applies and the recovery by the Minister of any charge made in respect of any such assistance. Amendment of Agriculture Act, 1947.

(2) The purposes for which the Minister may exercise his powers under the said section one hundred and one shall include the rendering of assistance in the prevention or treatment of any infestation.

(3) In the application of this section to Scotland, for references to sections ninety-eight and one hundred and one of the Agriculture Act, 1947, there shall respectively be substituted references to sections thirty-nine and forty-two of the Agriculture (Scotland) Act, 1948.

PART III.
—cont.
Regulations.

21.—(1) Any power of the Minister to make regulations under this Act, and the power of the Minister to give general directions under section twelve of this Act and to make orders under section eighteen of this Act, shall be exercisable by statutory instrument.

(2) Any statutory instrument containing an Order in Council or regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Powers of
entry.

22.—(1) Any person duly authorised in writing by a local authority for the purposes of Part I of this Act, or by a person empowered by the Minister to exercise functions of a local authority under that Part, may, at any reasonable time, enter upon any land—

- (a) for the purpose of carrying out any inspection required by the said Part I to be carried out by the local authority;
- (b) for the purpose of ascertaining whether there is or has been, on or in connection with the land, any failure to comply with any requirement of the said Part I or of any notice served thereunder ;
- (c) for the purpose of taking any steps authorised by section five or section six of this Act to be taken by the local authority on or in relation to the land.

(2) Any person duly authorised in writing by the Minister, or by a local authority to whom functions of the Minister under Part II of this Act are delegated, may, at any reasonable time, enter upon any land—

- (a) for the purpose of ascertaining whether there is or has been, on or in connection with the land or any vehicle thereon, any failure to comply with any requirement of the said Part II or of any directions given thereunder ;
- (b) for the purpose of taking any steps authorised to be taken on or in relation to the land under the said Part II by a person named in an order made by the Minister or by that authority thereunder,

and where any such person has entered on any premises for the purposes specified in paragraph (a) of this subsection, he may take samples of any food found on those premises.

(3) Any person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(4) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be liable on

summary conviction to a fine not exceeding in the case of a first offence five pounds, and in the case of a second or any subsequent offence twenty pounds.

(5) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or work place, discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) If any land is damaged in the exercise of a power of entry conferred under this section, compensation in respect of that damage may be recovered by any person interested in the land from the local authority on whose behalf the entry was effected, or from the Minister, as the case may be.

23.—(1) His Majesty may by Order in Council direct that the provisions of this Act shall apply, subject to such exceptions and modifications as may be prescribed by the Order, in relation to vessels or aircraft as they apply in relation to land : Application to shipping and aircraft.

Provided that Part I of this Act shall not be applied by any such Order in Council in relation to vessels employed in trading or going between a place in the United Kingdom, the Channel Islands or the Isle of Man and a place not within the United Kingdom, the Channel Islands or the Isle of Man.

(2) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council.

24. Subsections (3) and (5) of section two hundred and eighty-seven of the Public Health (London) Act, 1936 (which relate to the expenses of the Common Council and the port health authority of the port of London under that Act) shall apply to expenses incurred under this Act as they apply to expenses incurred under that Act. Expenses of Common Council.

25.—(1) The Minister shall by regulations provide for the payment of compensation, subject to such exceptions or conditions as may be specified in the regulations— Compensation of officers.

(a) by the councils of counties, to persons who, immediately before the commencement of this Act, were employed by such councils for the purposes of their functions under the Rats and Mice (Destruction) Act, 1919, or would have been so employed but for any war service

PART III.
—cont.

in which they were engaged, and who suffer loss of employment or loss or diminution of emoluments which is attributable to the passing of this Act ;

- (b) by any local authority in whose case an order is made under subsection (2) of section twelve of this Act, to persons who immediately before that order came into force were employed by that authority for the purposes of their functions under Part I of this Act, or would have been so employed but for any war service in which they were engaged, and who suffer loss of employment or loss or diminution of emoluments which is attributable to the order or anything done thereunder.

(2) Any such regulations may include provision as to the manner in which and the persons to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.

(3) In this section, the expression " war service " means service in any of His Majesty's forces and such other employment as may be prescribed by regulations made under this section.

Legal
proceedings.

26.—(1) Proceedings for an offence under this Act shall not, in England and Wales, be instituted except by or with the consent of the Minister or the local authority.

(2) Where an offence under this Act is committed by a body corporate, every person who, at the time of the commission of the offence, was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that it was committed without his consent or connivance and that he exercised any such diligence to prevent its commission as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(3) For the purposes of the last foregoing subsection, the expression " director ", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.

Financial
provisions.

27.—(1) There shall be paid out of moneys provided by Parliament—

- (a) any expenses of the Minister under this Act ;
(b) any increase in the Exchequer Equalisation Grant payable under Part I or Part II of the Local Government Act, 1948, attributable to any expenditure of a local authority under this Act ;

(c) any expenses of the Minister in carrying out research in matters connected with the functions of the Minister and of local authorities under this Act.

(2) Any receipts of the Minister under this Act shall be paid into the Exchequer.

28.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ agricultural land ” has the same meaning as in the Agriculture Act, 1947, or, in Scotland, the Agriculture (Scotland) Act, 1948;

“ container ” includes sacks, boxes, tins and other similar articles;

“ defendant ”, in relation to Scotland, means defender;

“ food ” includes any substance ordinarily used in the composition or preparation of food, the seeds of any cereal or vegetable, and any feeding stuffs for animals, but does not include growing crops;

“ infestation ” means the presence of rats, mice, insects or mites in numbers or under conditions which involve an immediate or potential risk of substantial loss of or damage to food, and “ infested ” shall be construed accordingly;

“ land ” includes land covered with water, and any building or part of a building;

“ manufacture ” includes processing;

“ the Minister ” means the Minister of Agriculture and Fisheries, or, in relation to Scotland, the Secretary of State;

“ owner ” has the same meaning as in the Public Health Act, 1936, or, in Scotland, the Public Health (Scotland) Act, 1897.

(2) For the purposes of Part I of this Act, any land which is vested in or under the control of a local authority (whether or not being the local authority for the purposes of that Part) and is not occupied by any other person shall be deemed to be occupied by that authority.

29.—(1) Section twenty-three of this Act shall extend to Northern Ireland, and for that purpose shall have effect as if the reference therein to the provisions of this Act included a reference to any corresponding provisions for the time being in force in Northern Ireland.

PART III.
—cont.

(2) No limitation or restriction imposed on the power of the parliament of Northern Ireland to make laws shall extend to prevent that parliament from enacting a provision the purposes whereof are similar to the purposes of any provision of this Act other than the said section twenty-three.

(3) Subject to the foregoing provisions of this section, this Act shall not extend to Northern Ireland.

Short title,
repeal and
commence-
ment.
9 & 10 Geo. 5.
c. 72.

30.—(1) This Act may be cited as the Prevention of Damage by Pests Act, 1949.

(2) The Rats and Mice (Destruction) Act, 1919, is hereby repealed.

(3) This Act shall come into force on the thirty-first day of March, nineteen hundred and fifty.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Rats and Mice Destruction Act, 1919	9 & 10 Geo. 5. c. 72.
Housing (Scotland) Act, 1930	20 & 21 Geo. 5. c. 40.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. -c. 49.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Public Health (Scotland) Act, 1945	9 & 10 Geo. 6. c. 15.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Town and Country Planning (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.

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