



Rag Flock and Other Filling Materials Act 1951

1951 CHAPTER 63

Rag flock

4 Rag flock for filling to be manufactured and kept at licensed premises

- (1) No rag flock shall be delivered to premises registered under this Act except from premises licensed under this Act for manufacturing rag flock or from premises licensed under this Act as a rag flock store.
- (2) If any rag flock is delivered in contravention of this section the occupier of the premises to which it is delivered shall be guilty of an offence.
- (3) In any proceedings under subsection (2) of this section and in any proceedings under subsection (1) of the last foregoing section in respect of rag flock, it shall be a defence for the defendant to prove—
 - (a) that he purchased the rag flock to which the proceedings relate as coming from premises licensed under this Act and with a written warranty to that effect; and
 - (b) that he had no reason to believe at the time of the alleged offence that the rag flock came from some other place; and
 - (c) in the case of proceedings under subsection (1) of the last foregoing section, that at the time of the alleged offence the rag flock was in the same state as when he purchased it.

5 Sale of rag flock not from source demanded

If any person sells, on the demand of a purchaser for rag flock coming from premises licensed under this Act, rag flock not coming from premises licensed under this Act, he shall be guilty of an offence.

6 Licensing of premises for manufacturing rag flock

- (1) A local authority on receiving from the occupier of, or a person proposing to occupy, any premises within their area an application for the grant or renewal of a licence authorising him to manufacture rag flock on those premises for use on premises registered under this Act and a fee of one pound, may grant or renew to him a licence in respect of those premises.
- (2) The local authority shall not grant a licence under this section, otherwise than by way of renewal of an existing licence, until an officer of the authority has inspected the premises named in the application and has made a report thereon.
- (3) The local authority shall not refuse to grant or renew a licence under this section except where—
 - (a) the premises are not furnished with such appliances as appear to the authority to be necessary to enable clean rag flock to be manufactured, or
 - (b) the premises are only part of a building and it appears to the authority that any business carried on in the remainder of the building on premises not licensed or registered under this Act involves or may involve the use or keeping or manufacture of rag flock.
- (4) If a local authority refuse to grant or renew a licence under this section, they shall forthwith give notice to the applicant of their decision in the matter, and shall, if so required by him within fourteen days of service on him of notice of their decision, give to him within forty-eight hours a statement of the grounds on which it was based.
- (5) A person aggrieved by the refusal of a local authority to grant or renew a licence under this section may within twenty-eight days of service on him of notice of their decision appeal, in England or Wales, to the Minister of Local Government and Planning and, in Scotland, to the Secretary of State.
- (6) On any appeal under the last foregoing subsection—
 - (a) the opinion of the local authority as to any matter mentioned in paragraph (a) or paragraph (b) of subsection (3) of this section shall not be conclusive;
 - (b) the appellant shall be entitled, if he so desires, to be heard by himself or by counsel or a solicitor or other representative, as he may elect, before a person appointed for the purpose by the Minister to whom he is appealing;
 - (c) if the appellant exercises his right to a hearing under the last foregoing paragraph the local authority concerned shall also be entitled to be heard by such representative as they may elect and either party or their representative may call witnesses and cross-examine the witnesses of the other party.
- (7) A licence under this section shall remain in force for such period not exceeding twelve months as may be fixed by the local authority, but may from time to time be renewed by them for a period not exceeding twelve months at any one time.
- (8) If on premises licensed under this section there is rag flock which is not clean, the occupier of the premises shall be guilty of an offence.

7 Licensing of premises for storing rag flock

- (1) A local authority on receiving from the occupier of, or a person proposing to occupy, any premises within their area an application for the grant or renewal of a licence authorising him to store rag flock on those premises for use on premises registered

under this Act and a fee of one pound, may grant or renew to him a licence in respect of those premises.

- (2) The local authority shall not grant a licence under this section, otherwise than by way of renewal of an existing licence, until an officer of the authority has inspected the premises named in the application and has made a report thereon.
- (3) The local authority shall not refuse to grant or renew a licence under this section except where the premises are only part of a building and it appears to the authority that any business carried on in the remainder of the building on premises not licensed or registered under this Act involves or may involve the use or keeping or manufacture of rag flock.
- (4) If a local authority refuse to grant or renew a licence under this section, they shall forthwith give notice to the applicant of their decision in the matter, and shall, if so required by him within fourteen days of service on him of notice of their decision give to him within forty-eight hours a statement of the grounds on which it was based.
- (5) A person aggrieved by the refusal of a local authority to grant or renew a licence under this section may within twenty-eight days of service on him of notice of their decision appeal, in England or Wales, to the Minister of Local Government and Planning and, in Scotland, to the Secretary of State.
- (6) On any appeal under the last foregoing subsection—
 - (a) the opinion of the local authority as to any matter mentioned in subsection (3) of this section shall not be conclusive;
 - (b) the appellant shall be entitled, if he so desires, to be heard by himself or by counsel or a solicitor or other representative, as he may elect, before a person appointed for the purpose by the Minister to whom he is appealing;
 - (c) if the appellant exercises his right to a hearing under the last foregoing paragraph the local authority concerned shall also be entitled to be heard by such representative as they may elect and either party or their representative may call witnesses and cross-examine the witnesses of the other party.
- (7) A licence under this section shall remain in force for such period not exceeding twelve months as may be fixed by the local authority, but may from time to time be renewed by them for a period not exceeding twelve months at any one time.
- (8) If on premises licensed under this section there is rag flock which is not clean, the occupier of the premises shall be guilty of an offence.
- (9) In any proceedings under the last foregoing subsection it shall be a defence for the defendant to prove—
 - (a) that he purchased the rag flock to which the proceedings relate as coming from premises licensed under this Act or as being clean within the meaning of this Act and, in either case, with a written warranty to that effect; and
 - (b) that he had no reason to believe at the time of the alleged offence that the rag flock came from some other place or, as the case may be, that it was not clean ; and
 - (c) that, in either case, at the time of the alleged offence the rag flock was in the same state as when he purchased it.