STATUTORY RULES OF A GENERAL CHARACTER ISSUED IN 1985

1985 No. 1

AGRICULTURE

Seed Potatoes (Levy) Order (Northern Ireland) 1985

Made	*2nd January 1985*
Coming into operation	*1st April 1985*

The Department of Agriculture, in exercise of the powers conferred on it by Article 3(1), (2) and (6) of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984(**a**) and of all powers enabling it in that behalf, after consultation with such organisations, bodies and persons as appear to it to be representative of persons engaged by way of business in the production or marketing of seed potatoes, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Seed Potatoes (Levy) Order (Northern Ireland) 1985 and shall come into operation on 1st April 1985.

Interpretation

2. In this Order—

"the Company" means Seed Potato Promotions (Northern Ireland) Limited(**b**);

"export" means the sending out of Northern Ireland to any other place;

"the Fund" means the Seed Potato Fund established under Article 7;

"the Order" means Article 3 of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984.

Imposition and rate of levy

3.—(1) Every person engaged by way of business in the production or marketing of seed potatoes who makes application for the certification of seed potato crops in accordance with Regulation 5(1) of the Seed Potatoes Regulations (Northern Ireland) 1981(**c**) shall pay to the Department in respect of such crops a levy of £4·00 per half hectare or part of a half hectare.

(2) Subject to paragraph (3) every person engaged by way of business in the marketing of seed potatoes who has packages or containers of seed potatoes sealed by an authorised officer in accordance with Regulation 9(2) of the Seed Potatoes Regulations (Northern Ireland) 1981 shall pay to the Department in respect of such packages or containers a levy of £0·60 per tonne or part of a tonne.

(3) Where the seed potatoes are sealed in packages or containers which are marked in accordance with Regulation 6(2) and Schedule 4 Part III(**d**) of the Seed Potatoes Regulations (Northern Ireland) 1981 as suitable for export the levy due and payable under paragraph (2) shall be payable by the person identified on the package or container in accordance with Schedule 4 Part III paragraph 3(*a*) of the aforesaid Regulations otherwise the levy shall be due and payable by the person who requests the sealing.

(**a**) S.I. 1984/702 (N.I. 2)
(**b**) Registered on 8th April 1982 under the Companies Acts (Northern Ireland) 1960 and 1978 — Registration No. N.I. 157081
(**c**) S.R. 1981 No. 243
(**d**) Part III was amended by S.R. 1983 No. 244

Notification of liability

4.—(1) The Department shall upon receipt of an application for the certification of any seed potato crop or, as the case may be, after the sealing of any package or container of seed potatoes by an authorised officer serve a notice on every person liable to the levy under Article 3 notifying him of that liability.

(2) The notice referred to in paragraph (1) shall notify the person on whom it is served:

(*a*) of the total amount of his liability and the manner in which such amount has been assessed; and

(*b*) that payment shall be due and (in default of payment) recoverable by the Department as a civil debt one month from the date of the service of the notice.

Payment of levy

5.—(1) The payment of levy under Article 3(1) and (2) shall be made either in cash delivered by hand or registered post to the Cashier of the Department, Dundonald House, Upper Newtownards Road, Belfast BT4 3SB, or by cheque or postal order and such cheques or postal orders shall be made payable to "the Department of Agriculture for Northern Ireland" and be crossed "a/c Payee".

(2) The payment referred to in paragraph (1) shall be due and (in default of payment) recoverable by the Department as a civil debt one month from the date of the service of the notice referred to in Article 4.

Prescribed organisation or body

6. The Department hereby prescribes the Company as an organisation or body for the purposes of the Order.

Payments to the Company

7.—(1) The Company shall establish and maintain a fund to be called the Seed Potato Fund.

(2) All money paid by the Department to the Company under the Order shall be credited to the Fund and subject to Article 8 such money shall be held in the Fund until such time as the Company expends or applies that money in accordance with the Order.

Investment of surplus funds

8.—(1) Subject to paragraph (2) the Company may invest any part of the Fund which is not for the time being required in securities in which a trustee is authorised under section 1 of the Trustee Act (Northern Ireland) 1958(**a**) to invest trust funds.

(2) Any investments made under paragraph (1) shall be capable of realisation on giving not more than 100 days' notice.

(3) Interest or dividends received on investments by the Company in accordance with paragraph (1) and all money received on realisation of such investments shall be paid into the Fund.

Retention of documents

9. The Company shall obtain and retain vouchers, receipts or other documents evidencing both all payments of money into the Fund and all expenditure or application of such money.

(**a**) 1958 c. 23 (N.I.) as amended by 1962 c. 10 (N.I.) s. 1