Changes to legislation: *The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984 is up to date with all changes known to be in force on or before 21 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1984 No. 702 (N.I. 2)

The Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984

- - - - - - *18th May 1984*

Title and commencement

1.—(1) This Order may be cited as the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the Department" means the Department of Agriculture.

F1 1954 c. 33 (N.I.).

Levy on seed potato industry

Levy on seed potato industry

3.—(1) The Department may, for the purpose of raising money to be expended in accordance with paragraphs (3) to (5), from time to time by order subject to negative resolution impose a levy on persons engaged by way of business in the production or marketing of seed potatoes.

(2) An order under paragraph (1) shall make provision as to—

(a) the manner in which a person's liability to the levy is to be established, assessed and notified to him;

(b) the time at which any amount payable by any person by way of levy becomes due and (in default of payment) recoverable by the Department as a civil debt;

(c) the manner in which any such amount is to be paid to the Department;

(d) such other matters as appear to the Department to be necessary or expedient in connection with the assessment or collection of the levy.

(3) Subject to paragraphs (4) to (6), all money paid to the Department by way of levy under this Article shall be held and expended or applied by the Department for the benefit, whether direct or indirect, of persons engaged by way of business in the production or marketing of seed potatoes.

(4) The Department may, if it thinks fit, pay to the organisation or body prescribed for the purposes of this Article all or part of the money held by the Department by virtue of paragraph (3) and all such money paid to such organisation or body shall be held and expended or applied by that organisation or body for the purpose mentioned in paragraph (3).

(5) Without prejudice to the generality of paragraphs (3) and (4) the Department or, as the case may be, the organisation or body prescribed for the purposes of this Article may expend or apply money held by it by virtue of the preceding provisions of this Article—

(a) to grow and produce stocks of, or encourage the growing and production of stocks of, seed potatoes which have a high degree of freedom from disease:

(b) to increase publicity relating to the seed potato industry;

(c) to conduct, or assist the conduct or, research and development and work of an experimental nature in connection with the seed potato industry;

(d) to survey and develop markets for seed potatoes;

(6) An order under paragraph (1) may—

(a) prescribe an organisation or body for the purposes of this Article;

(b) make provision as to the administration and control of money held under this Article by the Department or the prescribed organisation or body and in particular as to—

(i) the manner in which such money may be invested; and

(ii) the preparation and auditing of accounts in relation to such money;

(c) make provision requiring the prescribed organisation or body to furnish to the Department such information or documents relating to the exercise by the organisation or body of its functions under this Article as the Department may from time to time require.

(7) Without prejudice to the right of the Department to recover the amount of any unpaid levy as a civil debt, any person who, within one month of the time at which any amount payable by him by way of levy becomes due, fails to pay that amount to the Department shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(8) Seed regulations under the Seeds Act (Northern Ireland) 1965[F2] may include provision empowering the Department or any officer of the Department to refuse to issue any certificate or seal any package or container on the application of any person on the grounds that that person has failed to pay any levy due to the Department under this Article.

(9) Before making any order under paragraph (1), the Department shall consult 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.

F2 1965 c. 22 (N.I.).

Schemes for benefit of consumers of milk

Schemes for benefit of consumers of milk

4.—(1) The Department may, in accordance with a scheme made by regulations, make payments for the benefit (whether directly or indirectly) of consumers of cows' milk.

(2) Regulations under paragraph (1) shall be made by the Department with the consent of the Department of Finance and Personnel and shall be subject to negative resolution; and, without prejudice to the generality of that paragraph, a scheme contained in such regulations may—

(a) provide for payments under the scheme to be made by the Department to a person or body prescribed by the scheme for use in accordance with the scheme for the benefit (whether directly or indirectly) of consumers of cows' milk;

(b) prescribe the conditions subject to which such payments are to be made;

(c) make such other provision as appears to the Department to be necessary or desirable for securing the due and proper administration of the scheme.

Amendment of enactments relating to agriculture

Art.5 rep. by SR 1996/558

General agricultural advisory committee

6. In section 4 of the Agriculture Act (Northern Ireland) 1949[F3] (duty of Head of Department to establish general agricultural advisory committee) for the words "shall establish" there shall be substituted the words " may from time to time as he may think necessary establish ".

F3 1949 c. 2 (N.I.).

Extension of class of persons eligible for assistance under Agriculture (Temporary Assistance) Act (Northern Ireland) 1954

7.—(1) The Agriculture (Temporary Assistance) Act (Northern Ireland) 1954[F4] (which empowers the Department of Agriculture, for the purpose of assisting the agricultural industry, to make payments to, or for the benefit of, farmers producing any specified produce) shall have effect subject to the following provisions of this Article.

(2) In section 1(1) and (3) for the words "farmers producing" there shall be substituted the words " persons engaged in the production, processing, packing or marketing of ".

(3) In section 2(1)—

(a) in paragraph (a) for the word "farmer" and in paragraph (b) for the word "farmers" there shall be substituted, respectively, the words " person " and " persons ";

(b) in paragraphs (f), (g) and (h) for the words "or marketing" there shall be substituted the words " processing, packing or marketing ".

(4) In section 5 after the definition of "agriculture" there shall be inserted the following definition—

"" agricultural industry " includes the processing, packing, marketing or otherwise handling of any agricultural produce;".

F4 1954 c. 31 (N.I.).

Art.8 rep. by 1999 NI 6

Offences against certain drainage works

9.—(1) In section 11(1) of the Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (offences against drainage works under the Act)—

(a) in paragraph (a) for the word "constructed" there shall be substituted the words " vested in ";

(b) for paragraph (d) there shall be substituted the following paragraph—

"(d) removes any works (whether constructed or in course of construction) which are vested in or maintained by the Department for the purposes of this Act; or";

(c) in paragraph (f) for the words "as aforesaid" there shall be substituted the words " by the Department ";

(d) in paragraph (g) for the words "constructed as aforesaid" there shall be substituted the words " vested in or maintained by the Department for the purposes of this Act ".

(2) In Article 36(1) of the Drainage (Northern Ireland) Order 1973[F5] (offences against drainage works under the Order)—

(a) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

"(b) removes any works (whether constructed or in course of construction) which are vested in the Department for the purposes of this Order; or";

(b) in sub-paragraph (e) for the words "construed or transferred as aforesaid" there shall be substituted the words " vested in the Department for the purposes of this Order ".

(3) In Schedule 6 to the Drainage (Northern Ireland) Order 1973 (offences against watercourses) in paragraph 1(f) for the words "any watercourse" there shall be substituted the words " any designated watercourse ".

F5 S.I. 1973/69 (N.I. 1).

Amendment of Marketing of Eggs Act (Northern Ireland) 1957

10.—(1) In the Marketing of Eggs Act (Northern Ireland) 1957[F6] the following provisions (which are obsolete, unnecessary or spent) shall cease to have effect, namely—

(a) section 11 (removal of cold-stored and chemically stored eggs);

(b) section 12 (marking of preserved eggs);

(c) section 19(1) (winding up of Egg Marketing Fund);

(d) section 26 (transitional provisions).

(2) In section 13A of the Marketing of Eggs Act (Northern Ireland) 1957 (eggs treated as kept in cold storage only if temperature below 10 degrees centigrade) for the words "10 degrees centigrade (which is equivalent to 50 degrees fahrenheit)" there shall be substituted the words " 8 degrees celsius ".

F6 1957 c. 27 (N.I.).

Inspection of meat

11. For section 14 of the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962[F7] there shall be substituted the following section—

"**Inspection of meat.**

14.—(1) The Department shall make such arrangements as it thinks fit for the inspection of animals and meat on registered premises and shall publish details of any arrangements so made in such manner as it thinks appropriate for informing persons affected by those arrangements.

(2) Fees fixed in accordance with subsection (3) shall be payable to the Department by the person operating registered premises for the inspection of animals and meat on those premises.

(3) The fees payable under subsection (2) shall be of such amount or at such rate as the Department may from time to time determine and notify to persons operating registered premises.

(4) Every person who holds a curing licence shall for the inspection of pigs and pig products thereunder pay to the Department such fees as the Department may from time to time determine.".

F7 1962 c. 13 (N.I.).

Amendment of Marketing of Potatoes Act (Northern Ireland) 1964

12.—(1) The Marketing of Potatoes Act (Northern Ireland) 1964[F8] shall have effect subect to the following provisions of this Article.

(2) In sections 1, 2(1), 3(1) and 4 (which require persons sending potatoes out of Northern Ireland to hold a licence or permit and to have the potatoes inspected) after the words "out of Northern Ireland" there shall be inserted the words " to a relevant destination ".

Para.(3) rep. by 1997 NI 22

(4) In sections 3, 7 and 13(2) for the word "potatoes" wherever it occurs there shall be substituted the words " ware potatoes ".

(5) In section 3 (inspection of potatoes being sent out of Northern Ireland) after subsection (2) there shall be inserted the following subsections—

"(2A) A person shall not either by himself or by any servant or agent of his send or attempt to send any ware potatoes out of Northern Ireland to a destination which is in the United Kingdom or in any other Member State unless the potatoes are of the prescribed standard of quality and have been graded, packed and labelled in the prescribed manner.

(2B) The Department may, if so requested by any person, make arrangements for ware potatoes intended to be sent out of Northern Ireland to a destination which is in the United Kingdom or in any other Member State to be presented, inspected and (where appropriate) certified under subsection (1) as if they were intended to be sent out of Northern Ireland to a relevant destination.".

(6) Section 15(1)(a) and (b) (exemptions for potatoes grown outside Northern Ireland, or consigned to the Republic of Ireland) shall cease to have effect.

(7) In section 16 (interpretation) the following definitions shall be inserted at the appropriate places in alphabetical order—

""relevant destination" means a destination which is not in the United Kingdom or in any other Member State;

"ware potatoes" means potatoes other than potatoes which in accordance with seed regulations made under the Seeds Act (Northern Ireland) 1965 may be marketed as seed potatoes;".

F8 1964 c. 8 (N.I.).

Prohibition on possession of horned cattle

13. In section 20 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965[F9] (prohibition of sale or sending out of Northern Ireland of horned cattle) in subsection (1) for the words from the beginning to "stub horns)" there shall be substituted the words

"Any person who is in possession or in charge of any horned cattle (other than cattle having rudimentary or stub horns) which are not either—