Agricultural Marketing Act (Northern Ireland) 1964 [F1]

1964 CHAPTER 13

An Act to consolidate the Agricultural Marketing Act (Northern Ireland) 1933 to 1963. [5th May 1964]

F1 1973 c.41

Whole Act repealed in relation to the Milk Marketing Board (SR 1989/47) and the Pigs Marketing Board (SR 1984/422) and for all other purposes the repeal remains prosp.

AGRICULTURAL MARKETING SCHEMES

1 Framing of marketing schemes.

(1) A scheme regulating the marketing of any agricultural product, for application to Northern Ireland or some part thereof,—

(a) may be framed by the Ministry of Agriculture (in this Act referred to as "the Ministry") where the Ministry is satisfied that such a scheme is necessary for the more efficient production and marketing of that agricultural product;

(b) shall be framed by the Ministry where such a scheme appears to the Ministry to be necessary for sub-serving any purposes of an order regulating sales of that agricultural product and made under Part III of the United Kingdom Act.

(2) The Ministry shall when framing a scheme take into consultation representatives of the producers of the agricultural product proposed to be regulated and representatives of any other interests appearing to the Ministry to be directly affected by the scheme.

Changes to legislation: *There are currently no known outstanding effects for the Agricultural Marketing Act (Northern Ireland) 1964. (See end of Document for details)*

2 Approval of schemes.

(1) The Ministry, after compliance with the provisions of Part I of Schedule 1, may make an order approving the scheme as framed or with such modifications, if any, as may be made under the said provisions.

(2) Every scheme approved by an order made by the Ministry under subsection (1)—

(a) shall be subject to negative resolution;

(b) shall in any event cease to have effect upon the expiration of a period of two years from the date upon which it came into force, unless at some time before the expiration of that period it has been approved by a resolution passed by each House of Parliament.

(3) Subject to the foregoing provisions, a scheme shall come into force upon the date specified in that behalf in the order approving the scheme; and the making of the order shall be conclusive evidence that the requirements of this Act have been complied with and that the order and the scheme approved thereby have been duly made and approved and are within the powers conferred by this Act.

(4) Without prejudice to section 17(2) of the Interpretation Act (Northern Ireland) 1954 , the Ministry may at any time, after the like consultation as is required by section 1(2), by order, amend or revoke a scheme approved under this section but shall not revoke a scheme as respects any agricultural product to which section 1(1)(*b*) applies, in so far as the scheme sub-serves any purposes of an order regulating sales of that agricultural product and made under Part III of the United Kingdom Act, nor so amend the scheme that it will cease to sub-serve any such purposes.

(5) The provisions contained in Part II of Schedule 1 shall apply with respect to the revocation and cesser of schemes.

(6) As soon as possible after making an order approving, amending or revoking a scheme, the Ministry shall cause the order or notice of the making of the order to be published in the Belfast Gazette and in such other manner as the Ministry thinks best for informing persons affected.

3 Constitution of boards to administer schemes.

(1) Every scheme shall constitute a board to administer the scheme and during such period (not being longer than twelve months from the day on which the scheme comes into force) as may be specified in the scheme, the board shall, subject to the provisions of the scheme as to the filling of casual vacancies, be composed of persons to be named in the scheme.

(2) After the expiration of the said period, the board shall be composed of such number of members as the scheme may fix, of whom three shall be appointed by the Minister of Agriculture (in this Act referred to as "the Minister") and the others shall, subject to the provisions of the scheme as to the filling of casual vacancies, be elected in accordance with the scheme, either by registered producers or by a body or bodies elected by such producers in accordance with the scheme.

(3) The board shall elect from among their members a chairman and vice-chairman who shall hold office for such period as may be specified in the scheme, but during a period of two years (or such longer period as may be provided by the scheme) from the date of the coming into force of the scheme the chairman of the board shall be such member thereof as the Minister may designate.

(4) When the members of the board as fixed by a scheme exceed eleven in number, the board shall appoint an executive committee having the full powers of the board for the administration of the said scheme.

(5) An executive committee appointed under subsection (4) shall consist of not more than eleven members of the board and the chairman and the vice-chairman of the board (whether being members appointed by the Minister or not), and also any members of the board appointed by the Minister and not being such chairman or vice-chairman, shall be included in the committee as chairman, vice-chairman and members.

(6) Every scheme shall provide for the conducting by the Ministry of the election of the members of the board who are to be elected, the term during which those members are to hold office, the filling of casual vacancies arising during such term of office, and the resignation of office by any such member.

(7) Except as may be otherwise stated in the instrument of appointment, a member appointed by the Minister otherwise than to fill a casual vacancy shall, unless he sooner ceases to be a member during his term of office, hold office for three years from the date of his appointment and shall be eligible for re-appointment.

(8) If a casual vacancy occurs amongst the members appointed by the Minister, the Minister shall appoint a person to fill the vacancy and such person shall hold office for the remainder of the period for which his predecessor, if he had continued to be a member, would have held office, and shall be eligible for re-appointment.

(9) Notwithstanding anything in this section, provision may be made by a scheme for the board acting notwithstanding any vacancy in the membership thereof.

(10) The provisions contained in Schedule 2 shall apply with respect to the incorporation, registration and winding up of any board constituted by a scheme.

4 Register of producers and lists.

(1) Every scheme shall provide for the registration of any producer who makes application for that purpose, and for the removal from the register of the names of persons who have ceased to be producers.

(2) The Ministry, as soon as practicable after any scheme has been framed, shall cause a list to be compiled containing—

(a) the names of all such persons within the area to which the scheme applies as the Ministry has reason to believe are producers, not being persons to be exempted from registration under the scheme; and

(b) the respective addresses of such persons so far as known to the Ministry.

(3) The annual agricultural statistics collected by the Ministry may be used for the purpose of compiling the list under subsection (2) and when such list has been compiled, the Ministry shall send by post to every person named in the list particulars of the scheme framed by the Ministry, together with a form of application for registration as a producer under the scheme.

(4) Registration under a scheme of the name or style under which two or more persons carry on business in partnership as producers shall operate as the registration of all the partners for the time being, so, however, that, for the purposes of the provisions of this Act or of the scheme which relate to elections and voting at meetings, and to the

Changes to legislation: *There are currently no known outstanding effects for the Agricultural Marketing Act (Northern Ireland) 1964. (See end of Document for details)*

assessment of contributions on registered producers, all the partners shall be treated as constituting together a single registered producer.

(5) The register of producers for the purposes of a scheme shall be kept by the board constituted under the scheme and shall be open for inspection, and the board shall furnish a copy of the register, or of any part thereof, to any person demanding it, upon payment of such fee as the Ministry may approve.

5 Regulation of sales of regulated product.

(1) Every scheme shall require that no sale of the regulated product [F2 or any description thereof] shall be made by any producer who is not either a registered producer or a person exempted from registration by or under the provisions of the scheme.

(2) A scheme may provide for all or any of the matters set out in the following paragraphs, that is to say:—

(a) for requiring registered producers to sell the regulated product or any description thereof, or such quantity thereof or of any description thereof as may from time to time be determined by the board, only to, or through the agency of, the board;

(b) for the determination from time to time of the quantity of the regulated product or of any description thereof which may be sold by any producer;

(c) for the determination from time to time—

(i) of the descriptions of the regulated product which may be sold by any producer;

(ii) of the price at, below or above which, the terms on which, and the persons to … F3 whom, the regulated product or any description or quantity thereof, may be sold as aforesaid;

(d) for empowering the board to receive the whole or any part of any sums payable by purchasers of the regulated product in respect of sales of that product by registered producers, and for securing that any sums so received are distributed by the board to the sellers in such manner as may be specified in the scheme or prescribed by the board;

(e) for permitting the board, with the approval of the Ministry, to pay or allow a discount or similar abatement in respect of the fixed price of the regulated product or any description thereof payable for some past period to persons who during the said period have purchased the product or any description thereof.

In this paragraph the expression "fixed price" means the price at which the regulated product may be sold by producers under the scheme;

F4(f) for prohibiting producers from selling the regulated product or any description or quantity thereof through the agency of any persons except the persons, if any, who are authorised by the board in writing to act as agents for the sale of the product or the product of that description or quantity;

(g) for prohibiting—

(i) any person other than the board, or

(ii) any such person who is not authorised by the board in writing,

from acting as an agent for the sale of the regulated product or any description or quantity thereof;

(h) for empowering any person authorised in writing by the board (including, with the approval of the Ministry, an officer of the Ministry)—

(i) to enter and remain on, at all reasonable times, any land or premises on which he has reason to believe there are regulated products or any description thereof, taking with him such other persons and such equipment as appear to him necessary, and

(ii) to inspect any such products which are found there and weigh or otherwise measure or count them and for that purpose to use any such equipment or any weighing or measuring equipment which is on the land or premises, and

(iii) to apply or cause to be applied to any such product a mark identifying it as such a product or such a product of any description;

(i) for requiring any person who proposes to act as an agent for the sale of the regulated product or any description thereof, on premises used or occupied by whom any such product is found, or any person who is acting or has acted as an agent for the sale of any such product—

(i) to state to a person authorised as mentioned in paragraph (*h*), when requested by him, the name and address of the person on whose behalf the product is proposed to be sold or, where the product has been sold, the names and addresses of the seller and the buyer;

(ii) to make and keep any specified record of any sales of the product conducted by him or on his behalf;

(iii) to produce to a person so authorised, when requested by him, and permit him to inspect and to copy the whole or part of any record made and kept under sub-paragraph (ii) in relation to the product or any other books or documents relating to dealings with the product.]

(3) A scheme which provides for the matter set out in subsection (2)(*b*) shall either specify the method of determination or require the board to prescribe it and, without prejudice to the generality of the foregoing provision, the method of determination may be such as to secure that the quantity, if any, which any particular producer may sell is determined wholly or partly by reference to the quantity of that product or description, as the case may be, which was, in some past period, produced, sold or otherwise dealt with on particular land or premises or by particular persons.

(4) A scheme may provide for securing, for all or any of the purposes of the scheme or of this Act,—

(a) that the sale of any product wholly or partly manufactured or derived from the regulated product shall be deemed to be a sale of the regulated product if the substance of the transaction between the seller and the buyer is that the seller, being in possession of the regulated product, agrees to subject it, or cause it to be subjected, to some process and to sell the resulting product to the buyer; and

(b) that, without prejudice to the foregoing provisions of this subsection, where the regulated product is livestock of any kind, a person shall be deemed to sell the regulated product if he sells the carcases of any livestock of that kind, being livestock produced by him in the area to which the scheme is applicable.

(5) Any producer who sells the regulated product [F4 or any description or quantity thereof] in contravention of any provisions of a scheme made in pursuance of subsection (1) or [F4 paragraph (*a*)], paragraph (*b*) or paragraph (*c*) [F4 or paragraph (*d*) or paragraph (*f*)] of subsection (2), shall for each offence be liable on summary conviction [F4 to