

Horticultural Produce (Sales on Commission) Act (Northern Ireland) 1927

1927 CHAPTER 6

An Act to regulate the sale on commission of horticultural produce. [31st May 1927]

1 Duty of salesman to record and deliver particulars of sales.

(1) Where in the case of any horticultural produce consigned for sale on commission the salesman makes a charge by way of commission or otherwise, he shall enter in a book kept by him for the purpose the names of the owner or consignor of the produce and of every purchaser, and the price paid or agreed to be paid by each purchaser, and shall as soon as practicable after the sale send by post or deliver to the owner or consignor an account containing the following particulars:—

(a) the actual price paid or agreed to be paid for the produce, and where there is any variation in price, the number, weight or quantity sold, or agreed to be sold, at each price; and

(b) the commission or other charge made by the salesman for selling the produce, together with details of any charges made for services in connection with the sale; and

(c) the amounts, if any, paid or payable by the salesman on behalf of the owner or consignor in connection with the sale, with details thereof.

(2) If on any such sale as aforesaid any produce is bought by the salesman or by any person on his behalf, the fact shall be stated in the account; but nothing in this provision shall be construed as rendering any such transaction, if otherwise illegal, legal.

(3) If any person fails to make any entry, or send or deliver any account, or sends an account not containing the particulars required by this section, or makes an entry or sends or delivers an account which is false in any material particular, he shall be liable on summary conviction[F1]... to a fine not exceeding**[**[F1] level 3 on the standard scale**]**:

Provided that in any proceedings under this section if the defendant proves to the satisfaction of the court that the offence was due to a bona fide mistake or accident, in spite of all reasonable precautions being taken and all due diligence exercised by the defendant to prevent the occurrence of such offence, or the offence was due to the