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STATUTORY INSTRUMENTS

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1975 No. 1038 (N.I. 8)

NORTHERN IRELAND

**The Agriculture (Miscellaneous Provisions)  
(Northern Ireland) Order 1975**

*Laid before Parliament in draft*

*Made*

25th June 1975

*Coming into Operation*

9th July 1975

ARRANGEMENT OF ORDER

Article

1. Title, commencement and interpretation.
2. Carcase classification scheme.
3. Agricultural returns.
4. Extension of definition of "agriculture" for the purposes of the regulation of agricultural wages.
5. Increase of certain fines.
6. Power to vary age below which children are prohibited from riding on or driving vehicles, machinery or implements.
7. Inspection of potatoes being sent out of Northern Ireland may be by sample.
8. Amendment of Agricultural Marketing Act (Northern Ireland) 1964.
9. Amendment of Horticulture Act (Northern Ireland) 1966.
10. Contracts of Northern Ireland Agricultural Trust.
11. Amendment of Plant Health Act (Northern Ireland) 1967.
12. Loans for purchase of land.

At the Court at Buckingham Palace, the 25th day of June 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Title, commencement and interpretation*

1.—(1) This Order may be cited as the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1975 and shall come into operation on the fourteenth day after the day on which it is made.

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

*Carcase classification scheme*

2.—(1) For the purpose of providing a standard method of describing as fully as practicable those characteristics of a carcase which are the principal features of interest to persons trading in livestock and carcasses, the Department may, after consultation with such persons or the representatives of such persons as in the opinion of the Department will be affected by the scheme, by order subject to negative resolution, make a scheme for requiring that carcasses of such description as may be specified in the order shall be marked by officers of the Department in such circumstances and in such manner as may be prescribed by the order.

(2) Without prejudice to section 17 of the Interpretation Act (Northern Ireland) 1954, the order may specify the carcasses to which it is to apply by reference to the type of livestock and the type of carcasses, may distinguish between imported carcasses, carcasses of livestock imported into Northern Ireland and carcasses of other livestock slaughtered in Northern Ireland and may make other distinctions for different cases and shall be subject to such exceptions or exemptions as may be made by or under the order.

(3) An order under this Article—

(a) may impose duties and restrictions on any persons and in particular on persons having the control or management of slaughterhouses, for the purposes of enabling the Department to operate the scheme and, without prejudice to the generality of this provision, may—

- (i) restrict the cutting and other operations which may be carried out on carcasses before they are marked, and prohibit their removal from the place of slaughter or importation before being marked;
- (ii) require persons responsible for premises where the scheme operates and persons subsequently dealing with carcasses required to be marked in accordance with the scheme, to keep records relating to their dealings in such carcasses;
- (iii) require persons having control or management of slaughterhouses to provide adequate accommodation for officers of the Department operating the scheme;

(b) may provide that there shall be payable to the Department in respect of the marking of carcasses such fees as may, with the approval of the Department of Finance, be prescribed in the order and such fees shall be payable by such persons and at such times as may be so prescribed;

(c) may make such other provision as is necessary or expedient for carrying out the scheme.

(4) For the purpose of ascertaining whether a scheme under this Article is being complied with or an offence has been committed under this Article an authorised officer may, on producing if so required a duly authenticated document showing his authority, require a person carrying on or managing a slaughterhouse or other undertaking for the slaughter of livestock, or an under-

taking for the storage, processing, grading, classification, packing or cutting of carcasses, or for the sale of carcasses by wholesale, to produce any books, accounts or records relating to the conduct of the undertaking which the officer may require to inspect and may take a copy or extract from any such book, account or record produced to him.

(5) If any person contravenes or fails to comply with any provision of a scheme made under this Article or to comply with a requirement under paragraph (4) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months or both.

(6) If any person wilfully obstructs an authorised officer of the Department in the performance of his duty in connection with the operation of a scheme made under this Article, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(7) If any person—

(a) with intent to deceive, removes, alters, conceals or defaces any mark applied in the course of the operation by the Department of a scheme made under this Article; or

(b) applies to any carcase, without due authority and with intent to deceive, any mark prescribed by a scheme so made or applies to any carcase a mark so closely resembling a mark so prescribed as to be calculated to deceive; or

(c) wilfully makes a false entry in any record which is required to be kept in pursuance of a scheme so made or, with intent to deceive, makes use of any such entry which he knows to be false,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(8) In this Article—

“authorised officer” means an officer authorised by the Department;

“carcasses” means whole carcasses of livestock, and sides, quarters and other wholesale cuts of carcasses;

“the Department” means the Department of Agriculture;

“livestock” means cattle, sheep and pigs;

“slaughterhouse” means a place for slaughtering animals the flesh of which is intended for sale for human consumption and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there.

#### *Agricultural returns*

3.—(1) In section 1 (1) of the Agricultural Returns Act (Northern Ireland) 1939 (a) (matters in relation to which returns may be required) for the word “acreage” wherever it occurs there shall be substituted the word “area”.

(2) A return or part of a return made under section 1 of the Agricultural Returns Act (Northern Ireland) 1939 so far as it relates to persons working on agricultural land may be disclosed and used for the preparation and publication of statistics by the Department of Manpower Services and accordingly after the word “statistics” in subsection (4) (a) of that section there shall be

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(a) 1939 c. 35 (N.I.).

inserted the words "and, so far as the return relates to persons working on agricultural land, by the Department of Manpower Services of statistics".

*Extension of definition of "agriculture" for the purposes of the regulation of agricultural wages*

4. In section 12 of the Agricultural Wages (Regulation) Act (Northern Ireland) 1939 (a) for the definition of "Agriculture" there shall be substituted the following definition:—

"Agriculture" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'

*Increase of certain fines*

5.—(1) A person guilty of an offence under the Agriculture (Poisonous Substances) Act (Northern Ireland) 1954 (b) or the Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland) 1959 (c) shall be liable on summary conviction to a fine not exceeding £200 and accordingly in section 4 (2) of the said Act of 1954 and in section 10 (1) of the said Act of 1959 for the words "fifty pounds" there shall be substituted "£200".

(2) A person guilty of an offence under any of the provisions of the Horticulture Act (Northern Ireland) 1966 (d) other than under section 31 (1) of that Act shall be liable on summary conviction to a fine not exceeding £100 or in the case of a second or any subsequent offence under the same provision to a fine not exceeding £250 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment and accordingly in section 31 (2) of that Act for the words "fifty pounds" there shall be substituted "£100" and for the words "one hundred pounds" there shall be substituted "£250".

*Power to vary age below which children are prohibited from riding on or driving vehicles, machinery or implements*

6. Section 4 of the Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland) 1959 (power to prohibit children from riding on or driving vehicles, machinery or implements) shall apply to children who have not attained such age as the Department of Agriculture may by regulations prescribe and accordingly in subsection (1) of that section for the words from "the age specified" to "employed" there shall be substituted the words "such age as may be prescribed in the regulations".

*Inspection of potatoes being sent out of Northern Ireland may be by sample*

7.—(1) Inspection of potatoes being sent out of Northern Ireland may be by sample and accordingly in section 3 of the Marketing of Potatoes Act (Northern Ireland) 1964 (e)—

(a) in subsection (1) (b), after the word "inspected" where it first occurs there shall be inserted the words "by sample or otherwise";

(b) in subsection (2), after the word "inspect" there shall be inserted the words "by sample or otherwise".

(2) In section 3 (2) of the said Act of 1964 for the words "has ceased to" there shall be substituted the words "does not".

*Amendment of Agricultural Marketing Act (Northern Ireland) 1964*

8.—(1) In section 5 (1) of the Agricultural Marketing Act (Northern

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(a) 1939 c. 25 (N.I.). (b) 1954 c. 5 (N.I.). (c) 1959 c. 24 (N.I.).  
(d) 1966 c. 15 (N.I.). (e) 1964 c. 8 (N.I.).

Ireland) 1964 (a) (regulation of sales of regulated product) after the word "product" there shall be inserted the words "or any description thereof".

(2) At the end of section 6 (1) (h) of the said Act of 1964 there shall be added the following paragraph:—

"(i) for empowering the board to do anything calculated to procure, promote or facilitate the doing by any other person of anything in the doing of which the board are or might be empowered to co-operate by virtue of paragraph (g)."

(3) At the end of section 6 (3) of the said Act of 1964 there shall be added the following subsection:—

"(4) Regulations made under subsection (2) may provide that a person who contravenes the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200."

(4) In section 8 (2) of the said Act of 1964 after the word "thereto" there shall be inserted the words "shall be guilty of an offence and".

(5) In section 14 (2) of the said Act of 1964 the word "either" shall be omitted.

(6) After section 19 (1) of the said Act of 1964 (inspection of premises) there shall be inserted the following subsection:—

"(1A) The power under subsection (1) to inspect land and premises shall include power to do anything that is reasonably necessary to ensure that the provisions of a scheme are being complied with."

#### *Amendment of Horticulture Act (Northern Ireland) 1966*

9. In section 11 (2) of the Horticulture Act (Northern Ireland) 1966 for the word "ton" there shall be substituted the words "metric ton".

#### *Contracts of Northern Ireland Agricultural Trust*

10. In paragraph 9 (2) of the Schedule to the Agricultural Trust Act (Northern Ireland) 1966 (b) (which requires ten days public notice before any contract for the supply of goods or the execution of any works to the value of £500 or upwards is entered into by the Northern Ireland Agricultural Trust) for the words "to the value of £500 or upwards" there shall be substituted the words "exceeding such value as the Department may from time to time determine".

#### *Amendment of Plant Health Act (Northern Ireland) 1967*

11.—(1) At the end of section 2 of the Plant Health Act (Northern Ireland) 1967 (c) (power to make orders for prevention of introduction of pests into Northern Ireland) there shall be added the following subsection:—

"(3) An order under this section may provide that a person who contravenes the order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 or in respect of a second or subsequent offence to a fine not exceeding £200."

(2) After section 3 of the said Act of 1967 there shall be inserted the following section:—

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(a) 1964 c. 13 (N.I.).      (b) 1966 c. 43 (N.I.).      (c) 1967 c. 28 (N.I.).

“Recovery of expenses incurred exercising default powers under orders made under this Act.

3A. An order made or having effect under this Act may contain provisions for requiring a person to pay to a government department or local authority the cost to the department or authority of doing anything which that person has, in breach of a requirement imposed on him by or under the order, failed to do.”.

*Loans for purchase of land*

12. The Department of Agriculture may make loans from the Agricultural Loans Fund to persons who in the opinion of the Department are or will be efficient farmers to enable them to purchase land for agricultural purposes and accordingly in Part I of Schedule 1 to the Development Loans (Agriculture and Fisheries) Act (Northern Ireland) 1968 (a) (purposes for which agricultural development loans may be made) after paragraph 7 there shall be added the following paragraph:—

“8. Expenditure incurred in the purchase of land for agricultural purposes by persons who in the opinion of the Department are or will be efficient farmers.”.

*N. E. Leigh*

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**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order empowers the Department of Agriculture for Northern Ireland to operate a carcase classification scheme for livestock, permits disclosure of agricultural returns to the Department of Manpower Services for Northern Ireland, extends the scope of agricultural wages legislation to include employment in intensive livestock breeding and keeping units, increases fines in certain agriculture and horticulture legislation and enables the Department of Agriculture for Northern Ireland to prescribe the age below which children are prohibited from riding on or driving vehicles, machinery and implements. The Order also makes amendments regarding inspection of potatoes, agricultural marketing, plant health and loans from the Agricultural Loans Fund.

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(a) 1968 c. 21 (N.I.).