



Agriculture and Horticulture Act 1964

1964 CHAPTER 28

PART III

GRADING AND TRANSPORT OF FRESH HORTICULTURAL PRODUCE

Miscellaneous

22 Miscellaneous amendments

- (1) The Agricultural Produce (Grading and Marking) Acts 1928 and 1931 shall cease to apply to fresh horticultural produce.
- (2) Neither a label in a form prescribed under this Part of this Act, or under corresponding provisions of any enactment of the Parliament of Northern Ireland for the time being in force, nor a grade designation so prescribed shall for the purposes of the Merchandise Marks Acts 1887 to 1953 or any enactment for the time being amending or supplementing those Acts be treated, when applied to any fresh horticultural produce, as a trade description within the meaning of section 2 of the Merchandise Marks Act 1887.
- (3) Notwithstanding anything in section 7 of the Agricultural Marketing Act 1958, a scheme under that Act shall not empower the board administering the scheme—
 - (a) to grade, or regulate the grading or marking of, any produce to which regulations under section 11(1) of this Act apply, or
 - (b) to pack or transport, or regulate the packing or transporting of, any produce to which regulations under section 21 of this Act apply,otherwise than in conformity with the regulations under the said section 11(1) or 21, as the case may be.

In relation to the doing of any act in Northern Ireland, references in the foregoing provisions of this subsection to section 11(1) or 21 of this Act shall be construed as references to the corresponding provisions of any enactment of the Parliament of Northern Ireland for the time being in force.

Status: This is the original version (as it was originally enacted).

23 Regulations and orders

- (1) Before the making of any regulations or order under this Part of this Act the Minister or the Secretary of State shall consult with such organisations as appear to either of them to be representative of interests affected by the regulations or order.
- (2) Any power conferred by this Part of this Act to make regulations or orders shall be exercisable by statutory instrument, and a statutory instrument containing regulations or an order so made shall be subject to annulment in pursuance of a resolution of either House of Parliament.

24 Interpretation of Part III

In this Part of this Act—

" authorised officer " has the meaning assigned to it by section 13(1) of this Act;

" container " includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

" fresh horticultural produce " means—

- (a) fruit, vegetables, herbs, nuts and edible fungi, whether freshly-gathered or stored or taken from store, but not including maincrop potatoes or hops or any dried, frozen, bottled, canned or preserved produce;
- (b) cut flowers and decorative foliage ;
- (c) pot plants, bedding plants and herbaceous plants; .
- (d) shrubs and flowering trees ;
- (e) fruit trees, fruit bushes and fruit plants; and
- (f) bulbs, corms and tubers;

" label " includes any device for conveying information by written characters or other symbols, and any characters or symbols stamped or otherwise placed directly on to any produce or container, and references to the affixing of a label shall be construed accordingly ;

" prescribed grade ", in relation to regulated produce of any description, means a grade of quality designated and defined in relation to produce of that description under section 11(1) of this Act;

" regulated produce " has the meaning assigned to it by section 12(1) of this Act.