



Agriculture Act 1986

1986 CHAPTER 49

Agricultural marketing

4 Constitution and functions of Home-Grown Cereals Authority

- (1) The Cereals Marketing Act 1965 shall have effect subject to the following amendments (which relate to the constitution and functions of the Home-Grown Cereals Authority).
- (2) In subsection (1) of section 1 of that Act (establishment of the Authority for the purpose of improving the marketing of home-grown cereals) for the word " marketing " there shall be substituted the words " production and marketing ".
- (3) For subsections (2) to (4) of that section (membership of the Authority) there shall be substituted—
 - “(2) The Authority shall consist of not less than twelve and not more than twenty-one members appointed by the Ministers.
 - (3) Of those members—
 - (a) not less than two and not more than three shall be appointed as being independent; and
 - (b) an equal number (being not less than five and not more than nine) shall be appointed as being respectively—
 - (i) persons capable of representing the interests of growers of home-grown cereals, and
 - (ii) persons capable of representing the interests of persons who are either dealers in or processors of home-grown cereals.
 - (4) Of the members appointed under paragraph (b) of subsection (3) of this section as being persons capable of representing the interests of growers of home-grown cereals—
 - (a) such number as appears to the Ministers to be adequate shall be appointed as being also capable of representing the interests of

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farmers who use home-grown cereals for feeding livestock kept by them; and

- (b) at least one shall be appointed as being capable of representing, in particular, the interests of growers of home-grown cereals in Scotland, one the interests of such growers in Wales and one the interests of such growers in Northern Ireland.

(4A) The Ministers shall appoint one of the members appointed under paragraph (a) of subsection (3) of this section to be chairman and another to be deputy chairman of the Authority.”.

(4) Sections 2 to 5 (bonus payments in respect of forward contracts and deliveries of cereals) and Part II (trading functions of Home-Grown Cereals Authority) of that Act shall cease to have effect.

(5) In section 6 of that Act (non-trading functions of Home-Grown Cereals Authority) in subsection (5)—

- (a) after the words " work in " there shall be inserted the words

“connection with any matter relating to—

(aa) the breeding and cultivation of cereals,”;

- (b) for the words " the marketing of cereals " there shall be substituted the words " the production or marketing of cereals " ; and

- (c) for paragraph (b) there shall be substituted—

“(b) the invention of new uses of, or processes which might be applied to, home-grown cereals or straw or the development or assessment of such uses or processes or existing uses or processes,”.

(6) In paragraph 10 of Schedule 1 to that Act (appointment by the Home-Grown Cereals Authority of advisory committees)—

- (a) at the beginning of sub-paragraph (1) there shall be inserted the words " Subject to sub-paragraph (1A) below, " ; and

- (b) after that sub-paragraph there shall be inserted—

“(1A) The Authority shall appoint a committee to determine programmes for and report on research and development in connection with home-grown cereals and shall, if the Ministers so direct, appoint a committee to determine programmes for and report on the encouragement of the marketing of such cereals.

(1B) Different committees may be appointed under this paragraph in respect of different kinds of cereals.”.

5 Levies under Cereals Marketing Act 1965

(1) Section 14 (alternative methods of raising levy) and section 15 (levy recovered wholly or mainly by deduction) of the Cereals Marketing Act 1965 shall cease to have effect.

(2) For subsection (1) of section 16 of that Act (preparation and submission of schemes for imposing levies) there shall be substituted—

“(1) The Authority may at any time prepare and submit to the Ministers a scheme for imposing a levy on persons specified in the scheme who are growers or

processors of, or dealers in, home-grown cereals of a kind so specified or who in the course of their business act as intermediaries in the selling and buying of such cereals.

- (1A) Before submitting a scheme under subsection (1) above, the Authority shall in such manner as they consider appropriate consult such persons or organisations as appear to them to represent the interests concerned.”.
- (3) In subsection (2) of that section (by virtue of which such schemes may provide for the registration of such growers, dealers and processors and require them to furnish information and keep records) for the words " any persons who are growers of, or dealers in, home-grown cereals or who process home-grown cereals " there shall be substituted the words " any such persons as are mentioned in subsection (1) above ".
- (4) After that subsection there shall be inserted—
- “(2A) A scheme under this section—
- (a) may authorise such of the persons on whom the levy is imposed as may be specified in the scheme to recover all or part of the levy payable by them from such other persons (being persons mentioned in subsection (1) above) as may be so specified and may provide for direct collection from those other persons; and
 - (b) may authorise the deduction from the levy payable by persons with such a right of recovery, or the repayment to them, of—
 - (i) such amounts as may be determined in accordance with the scheme in respect of expenses incurred by them in exercising that right, and
 - (ii) any sums which are in accordance with the scheme to be treated as irrecoverable.”.
- (5) For section 20(2) of that Act (disclosure of information to Home-Grown Cereals Authority) there shall be substituted—
- “(2) Any information obtained by the Intervention Board for Agricultural Produce may be disclosed to the Authority for the purpose of assisting them in collecting any levy imposed under this Act; and any such disclosure shall not be treated as a breach of contract, trust or confidence.”.
- (6) In section 24 of that Act (interpretation)—
- (a) in subsection (4)(a) (under which orders under section 13 may include provision as to the circumstances in which cereals shall be treated as delivered) after the words " specified in " there shall be inserted the words " the order ";
 - (b) in subsection (5) (which defines a dealer in home-grown cereals as a person trading as a wholesale buyer and seller of such cereals and a processor of home-grown cereals as a person who applies an industrial process to such cereals with a view to selling the processed cereals in the course of his business) for the words " wholesale buyer and seller " there shall be substituted the words " wholesale buyer or seller " and the words " with a view to selling the processed cereals " shall be omitted.
- (7) In Schedule 3 to that Act (supplementary provisions concerning levies), for paragraphs 4 to 6 there shall be substituted—

“4 For the purposes of sections 13 to 17 of this Act and of this Schedule a crop which consists of two or more kinds of home-grown cereals shall be treated as if it were a separate kind of home-grown cereals.”.

6 Extension of Cereals Marketing Act 1965 to new cereals and other crops

- (1) The Ministers may, if they think fit, by order provide that the provisions of the Cereals Marketing Act 1965 shall apply in relation to any such crop falling within subsection (2) below as may be specified in the order as if it were a kind of cereals and, in the case of a crop grown in the United Kingdom, a kind of home-grown cereals within the meaning of that Act.
- (2) The crops referred to in subsection (1) above are—
 - (a) herbage seed, flax and any seed grown with a view to the production of oil from it;
 - (b) peas and beans grown for harvesting in a dried state;
 - (c) any crop (except grass) normally grown only for use in feeding livestock;
 - (d) any other arable crop (except sugar, hops, potatoes or any horticultural produce within the meaning of section 8(1) of the Horticulture Act 1960).
- (3) Before making an order under this section in respect of any crop the Ministers shall consult the Home-Grown Cereals Authority and such persons or organisations as appear to them to represent the interests concerned.
- (4) An order under this section may make such modifications of the Cereals Marketing Act 1965 as the Ministers consider necessary or expedient in consequence of the provisions of the order.
- (5) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (6) In this section "the Ministers" has the same meaning as in that Act.
- (7) In section 24 of that Act (interpretation)—
 - (a) in subsection (2)—
 - (i) in the definition of "home-grown cereals" for the words "or rye" there shall be substituted the words "rye, maize or triticale", and
 - (ii) after the definition of "related product" there shall be inserted—
“wheat' includes durum wheat”; and
 - (b) in subsection (3) for the words "and rye" there shall be substituted the words "rye, maize and triticale".

7 Constitution and levy schemes of Meat and Livestock Commission

- (1) In section 1(3) of the Agriculture Act 1967 (maximum number of members of the Meat and Livestock Commission) for the word "ten" there shall be substituted the word "fifteen".
- (2) In section 13 of that Act (levy to meet the Commission's expenses)—
 - (a) at the end of subsection (1) there shall be inserted the words "; and a levy scheme may make different provision in relation to charges to be imposed to meet expenses incurred by the Commission for different purposes";

- (b) after that subsection there shall be inserted—
- “(1A) Before submitting a levy scheme under subsection (1) above the Commission may in such manner as they consider appropriate consult such persons as appear to them to represent the interests concerned”;
- (c) in subsection (4) (maximum charges)—
- (i) the word "and" at the end of paragraph (a) shall be omitted, and
- (ii) at the end of paragraph (b) there shall be inserted the words “and (c) may differ between the different classes or descriptions of persons chargeable”;
- (d) in subsection (6) (provision in levy schemes for persons on whom levy imposed to recover all or a specified part of sums paid by them from others) the words "all or a specified part of" shall be omitted; and
- (e) after that subsection there shall be inserted—
- “(6A) Where a levy scheme makes such provision as is mentioned in subsection (6) above it shall—
- (a) authorise the Commission from time to time to determine the proportion of the sums paid under the levy scheme which shall be recoverable;
- (b) specify whether the Commission may determine that the whole of those sums shall be recoverable and, if not, the maximum proportion of them which they may determine shall be recoverable; and
- (c) specify whether the Commission may determine that none of those sums shall be recoverable and, if not, the minimum proportion of them which they may determine shall be recoverable.”.

8 Constitution and funding of Food from Britain

- (1) The Agricultural Marketing Act 1983 shall have effect subject to the following amendments (being amendments relating to the constitution and funding of Food from Britain).
- (2) In section 1(2) (Food from Britain to consist of no fewer than thirteen and no more than fifteen members) for the word "fifteen" there shall be substituted the words "twenty-one".
- (3) In section 7 (grants etc. by Ministers)—
- (a) at the end of subsection (1) there shall be inserted the words "and such grants may be made subject to such conditions as the Ministers may with the approval of the Treasury impose"; and
- (b) at the end of subsection (2) there shall be inserted the words "and any such sums may be lent subject to such conditions as the Ministers may with the approval of the Treasury impose".
- (4) For paragraph 5 of Schedule 1 (payment by Ministers of remuneration etc. to members of Food from Britain) there shall be substituted—
- “5 Food from Britain may—

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- (a) pay to its members such remuneration (whether by way of salary or fees) and such travelling or other allowances as it may determine;
 - (b) pay such pension, or make such payments towards the provision of a pension, to or in respect of any of its members as it may determine; and
 - (c) if it appears to it that there are special circumstances which make it right that a person should receive compensation on ceasing to be a member, pay him such amount by way of compensation as it may determine.”.
- (5) In paragraph 6 of that Schedule (amount of remuneration etc. of members of committees of Food from Britain to be determined by Food from Britain with the approval of the Ministers and the Treasury) the words "with the approval of the Ministers and the Treasury" shall be omitted.
- (6) In paragraph 11(2) of that Schedule (amount of remuneration etc. of officers and servants of Food from Britain to be determined by Food from Britain with the approval of the Ministers and the Treasury) the words "with the approval of the Ministers and the consent of the Treasury", in each place where they occur, and the words "with such approval" shall be omitted.

9 Abolition of Eggs Authority

- (1) On the appointed date the property, rights and liabilities of the Eggs Authority shall vest in the Ministers.
- (2) The accounting period of the Authority in which the day preceding the appointed date falls shall end with that day (if it would not otherwise have done so) and as soon as the Ministers are satisfied that the requirements of section 20 of the Agriculture Act 1970 (reports and accounts) have been complied with in respect of that and previous accounting periods,
- they shall by order abolish the Authority; and any liabilities incurred by the Authority after the appointed date in complying with that section or otherwise shall become liabilities of the Ministers.
- (3) Until an order is made under subsection (2) above abolishing the Authority they shall exercise their functions solely in accordance with directions given to them by the Ministers with a view to bringing the activities of the Authority to an end.
- (4) If after the abolition of the Authority it appears to the Ministers that any property vested in them by virtue of this section is not required for the purpose of satisfying the liabilities vested in them by virtue of this section, the Ministers may dispose of that property for the benefit of persons engaged by way of business in the production, marketing or processing of eggs in such manner as the Ministers think appropriate.
- (5) In this section "appointed date" means such date as the Ministers may by order specify for the purposes of subsection (1) above and any expressions used in this section which are defined in section 1 of the Agriculture Act 1970 shall be construed in accordance with that section.
- (6) The power to make an order under this section shall be exercisable by statutory instrument.

10 Repeal of certain ministerial powers concerning eggs

Section 25 (power to regulate retail sales of eggs) and section 26 (assistance for certain transport of eggs by sea) of the Agriculture Act 1970 shall cease to have effect.

11 Consolidation of agricultural marketing schemes

After paragraph 5 of Schedule 1 to the Agricultural Marketing Act 1958 (amendment and revocation of agricultural marketing schemes) there shall be inserted—

- “5A (1) Where the Minister considers it appropriate to do so he may—
- (a) prepare a consolidation of any scheme as it has effect with amendments (" the amended scheme "); and
 - (b) by order revoke the amended scheme and approve the consolidated scheme.
- (2) An order made by virtue of this paragraph—
- (a) shall state that it is made only for the purposes of consolidation; and
 - (b) may contain such transitional and consequential provision as the Minister considers necessary or expedient.”.

12 Validation of Apple and Pear Development Council orders

The Apple and Pear Development Council Order 1980 and the Apple and Pear Development Council (Amendment) Order 1980 shall be deemed to have been validly made notwithstanding that they were made by the Minister of Agriculture, Fisheries and Food acting alone rather than by that Minister and the Secretary of State acting jointly.