



Agriculture Act 1993

1993 CHAPTER 37

PART II

POTATO MARKETING

Miscellaneous

40 Power to poll registered producers

- (1) The Board may carry out a poll of persons who are registered producers in such manner as it thinks fit for the purpose of ascertaining the level of support amongst them—
 - (a) for the making of any application under section 27 above, or
 - (b) for the making of an application under that section in relation to a particular scheme.
- (2) Where the Board carries out a poll under subsection (1)(a) above and a majority of the votes cast are cast against the making of any application under section 27 above, the Board shall cease to be subject to the duty imposed by subsection (1) of that section.
- (3) Where the Board carries out a poll under subsection (1)(b) above and a majority of the votes cast are cast against the making of an application under section 27 above in relation to the scheme which is the subject of the poll, no such application may be made in relation to that scheme.

41 Voting in poll under section 40

- (1) A person shall only be eligible to vote in a poll under section 40 above if—
 - (a) he was registered as a producer under the Potato Marketing Scheme at noon on the day four weeks before the day of the poll (“the relevant time”), and
 - (b) he was, at the relevant time, in occupation of land which—
 - (i) was under potatoes on 1st June immediately preceding the day of the poll, or

Status: This is the original version (as it was originally enacted).

- (ii) was under potatoes at any time in the period beginning with 2nd June immediately preceding the day of the poll and ending with the day four weeks before the day of the poll.
- (2) A person voting in a poll under section 40 above shall be treated as having cast his standard number of votes, which shall be determined as provided below.
- (3) Where a person who is eligible to vote in a poll under section 40 above was, at the relevant time, in occupation of land which was under potatoes on 1st June immediately preceding the day of the poll, his standard number of votes shall be calculated as provided by paragraph 14(5) of the Potato Marketing Scheme, the appropriate area for the purposes of that provision being taken to be the area of such land of which he was in occupation at that time.
- (4) Where a person who is eligible to vote in a poll under section 40 above was not, at the relevant time, in occupation of land which was under potatoes on 1st June immediately preceding the day of the poll, his standard number of votes shall be one.
- (5) For the purposes of this section, a poll shall be treated as taking place on the last day for the return of voting papers.

42 Membership of the Board

- (1) No election of members of the Board (other than an election for the purpose of filling a casual vacancy) shall be held after the day specified by order under section 25 above or such later day as the Ministers may by order specify.
- (2) The term of office of any member of the Board shall, instead of expiring at any other time, expire—
- (a) where property, rights and liabilities of the Board are transferred under section 35 above, on the day of the transfer, and
 - (b) where the Potato Marketing Scheme is revoked by section 26(1) above without property, rights and liabilities of the Board having been transferred under section 35 above, at such time as the Board is dissolved in consequence of being wound up under section 39(2) above.

43 Overriding nature of functions under Part II

Nothing done in pursuance of this Part of this Act by the Board, or by any member or officer of the Board, shall be taken to constitute a breach of any duty owed, apart from the provisions of this Part of this Act, to persons who are registered producers.

44 Functions under section 19 of the Agricultural Marketing Act 1958

The functions of a committee appointed under section 19 of the Agricultural Marketing Act 1958 (consumers' committees and committees of investigation) shall not include the consideration of anything done by the Board in connection with an application under this Part of this Act or the carrying out of an approved scheme.

45 Quota years

No calendar year shall, on or after the day specified by order under section 25 above, be prescribed a quota year for the purposes of the Potato Marketing Scheme.

46 Restriction of Agricultural Marketing Act 1958

Part I of the Agricultural Marketing Act 1958 (agricultural marketing schemes) shall cease to have effect in relation to potatoes on the day on which section 26(1) above comes into force.