



Agricultural Marketing Act 1958

1958 CHAPTER 47

PART IV

GENERAL AND SUPPLEMENTARY

47 Restrictions on disclosing certain information obtained under Act

- (1) No information with respect to any particular undertaking (other than the undertaking of a board) shall, without the consent of the owner of that undertaking, be included in any report laid before Parliament in pursuance of this Act or in any recommendations of an Agricultural Marketing Reorganisation Commission published in pursuance of this Act.
- (2) No information obtained by any person in the exercise of any power conferred on him by or under the provisions of this Act relating to polls, or in the exercise of any power conferred by or under Part I of this Act, or Part III thereof, on any board, consumers' committee, committee of investigation or Agricultural Marketing Reorganisation Commission, shall be disclosed by him:

Provided that nothing in this subsection shall restrict the disclosure of information—

- (a) made by a board in compliance with a requirement of the Minister of Agriculture, Fisheries and Food or the Secretary of State under section seventy-two of the Diseases of Animals Act, 1950 ;
 - (b) made for the purposes of legal proceedings (including arbitrations) under this Act or any scheme, or for the purpose of any report of such proceedings ;
 - (c) if, and in so far as, the disclosure is required or authorised by this Act or any scheme.
- (3) Any person who discloses any information in contravention of the last foregoing subsection shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

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48 Offences committed by bodies corporate

Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

49 Power to make rules, etc., exercisable by statutory instrument

Any power conferred on a Minister of the Crown by any provision of this Act to make rules, regulations or orders shall be exercisable by statutory instrument.

50 Exercise of powers of Board of Trade

Anything required or authorised under this Act to be done by or to the Board of Trade may be done by or to the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

51 Saving for Part I of the Agriculture Act, 1957

The provisions of this Act shall be without prejudice to the powers and duties of the Ministers under Part I of the Agriculture Act, 1957.

52 Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" agricultural product " includes—

- (a) any product of agriculture or horticulture ;
- (b) any article of food or drink wholly or partly manufactured or derived from any such product; and
- (c) fleeces (including all kinds of wool, whether from a living animal or from a dead animal or from the skin of a dead animal) and the skins of animals ;

" board " means a board administering a scheme and, in relation to any scheme, means the board administering that scheme;

"contravention " includes, in relation to a provision of this Act or of a scheme, a failure to comply with the provision, and the expression " contravene" shall be construed accordingly;

" the Gazette " means—

- (a) in relation to a scheme applicable in both England and Wales, or in either England or Wales, the London Gazette, and includes, in relation to a scheme applicable as aforesaid which is also applicable in both Scotland and Northern Ireland or in either Scotland or Northern Ireland, the Edinburgh Gazette and the Belfast Gazette, the Edinburgh Gazette or the Belfast Gazette, as the case may be;
- (b) in relation to a scheme applicable in Scotland, the Edinburgh Gazette, and includes, in relation to a scheme applicable as aforesaid which is also applicable in Northern Ireland, the Belfast Gazette ;

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" initial poll ", in relation to a scheme, means the first poll of registered producers taken on the question whether the scheme shall remain in force ;

" the Minister " means—

- (a) in relation to any of the matters specified in Part I of the Third Schedule to this Act, the Ministers;
- (b) in relation to any of the matters specified in Part II of that Schedule, the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland, acting jointly;
- (c) in relation to any of the matters specified in Part III of that Schedule, the said Minister and the Secretary of State concerned with agriculture in Northern Ireland, acting jointly ;
- (d) in relation to any of the matters specified in Part IV of that Schedule, the said Secretaries of State, acting jointly;
- (e) in relation to any of the matters specified in Part V of that Schedule, the said Minister ;
- (f) in relation to any of the matters specified in Part VI of that Schedule, the Secretary of State concerned with agriculture in Scotland;

" the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively, acting jointly;

" producer " means, in relation to any scheme, any person who produces the regulated product;

" registered producer " means, in relation to any scheme, a producer registered under the scheme ;

" regulated product " means, in relation to any scheme, any product the marketing of which is regulated by the scheme, but does not (except in the expression "consumers of the regulated product") include any product in so far as it is produced outside the area to which the scheme is applicable ;

" requisite majority", in relation to a poll of registered producers, means a majority comprising—

- (a) not less than two-thirds of the total number of registered producers voting on the poll, and
- (b) such number of registered producers as are together capable of producing not less than two-thirds of the quantity of the regulated product which all the registered producers voting on the poll are together capable of producing ;

" scheme " means a scheme under this Act;

" substitutional scheme " means a scheme which revokes one or more existing schemes, and is such that at the time when it comes into force—

- (a) every person is entitled to be registered as a producer thereunder who was entitled to be registered as a producer under the existing scheme or one or more of the existing schemes ; and
- (b) no person is entitled to be registered as a producer thereunder who was not entitled to be registered as a producer under the existing scheme or any of the existing schemes ;

" suspensory period ", in relation to a scheme, means a period beginning on the date when the scheme is approved and ending at the expiration of such period (not being less than one month or more than two months) beginning on

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the date of the declaration of the result of the initial poll, as may be provided by the scheme.

- (2) A declaration by the Minister, contained in an order approving a scheme, that the scheme is a substitutional scheme shall be conclusive evidence of that fact.
- (3) For the purposes of a scheme regulating the marketing of livestock of any kind, every person whose business it is to keep livestock of that kind for the purpose of breeding from it or selling it in an improved condition shall, except in so far as the scheme otherwise provides, be deemed to produce it.
- (4) For the purposes of Part III of this Act, any branch of industry which is engaged in the production of an agricultural product shall be deemed to be a branch of the agricultural industry.
- (5) Any reference in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment.

53 Provisions as to Northern Ireland

- (1) This Act, except in so far as it is otherwise expressly provided therein, and subject to the provisions of this section, shall extend to Northern Ireland.
- (2) Legislation enacted, whether before or after the commencement of this Act, by the Parliament of Northern Ireland, enabling schemes to be made for regulating the marketing of agricultural products, may, notwithstanding any limitation imposed by section four of the Government of Ireland Act, 1920, on the power of the said Parliament to make laws—
 - (a) authorise or require the making of provision in such schemes for all or any of the matters for which provision may or must be made in schemes under this Act;
 - (b) confer on boards administering such schemes all or any of the powers conferred on boards by Part I of this Act;
 - (c) enable regulations to be made for regulating the removal from Northern Ireland into Great Britain of any agricultural product the marketing of which is regulated by a scheme for the time being in force under this Act or under such legislation as aforesaid enacted by the Parliament of Northern Ireland:

Provided that any scheme or regulation made under such legislation as aforesaid enacted by the Parliament of Northern Ireland shall, in so far as the scheme or regulation involves or may involve a matter in respect of which any limitation is so imposed as aforesaid, have effect only if, and so long as, there is in force a certificate given by the Secretary of State concerned with agriculture in Northern Ireland, certifying that it is expedient that the scheme or regulation, as the case may be, should have full effect, as subserving the purposes of—

- (i) an order under Part III of this Act regulating sales of an agricultural product, or
- (ii) a scheme under this Act, or
- (iii) arrangements made by persons producing an agricultural product in Great Britain as to the quantity of that product, or of any description thereof, which is to be produced or sold by them;

and the said Secretary of State may at any time revoke a certificate given by him for the purposes of this provision, but without prejudice to anything previously done

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under the scheme or regulations in respect of which the certificate was given, or to the making of a new scheme or new regulations, as the case may be.

- (3) Without prejudice to the generality of the powers conferred by paragraph (c) of the last foregoing subsection, regulations made by virtue of those powers may regulate the removal from Northern Ireland into Great Britain of the agricultural product to which the regulations relate by determining for any such period as may be specified in the regulations—
 - (a) the quantity of the product, or of any description thereof, which may be so removed;
 - (b) the descriptions of the product which may be so removed.
- (4) Before giving or revoking a certificate under this section, the Secretary of State concerned with agriculture in Northern Ireland shall consult the Board of Trade, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland.
- (5) The consumers' committees, committees of investigation and Agricultural Marketing Facilities Committees for Great Britain, for England and Wales and for Scotland shall operate, and the Agricultural Marketing Fund and the Agricultural Marketing (Scotland) Fund shall be applicable, in relation to schemes applicable to Northern Ireland or any part thereof, in like manner as they operate and are applicable respectively in relation to schemes not applicable to Northern Ireland or any part thereof, but when any such committee is considering any scheme applicable to Northern Ireland or any part thereof there shall be added thereto as additional members thereof such persons as the Minister may appoint for the purpose.

In this subsection the reference to the Minister includes a reference to the Secretary of State concerned with agriculture in Northern Ireland.
- (6) Notwithstanding anything in the Agricultural Returns Act (Northern Ireland), 1939, as amended by any subsequent enactment of the Parliament of Northern Ireland, any returns made under that Act may be used for the purpose of compiling any list under section five of this Act.
- (7) Subsection (7) of section six of this Act shall have effect in Northern Ireland as if the words " not being a magistrates' court" were omitted.
- (8) Section twelve of this Act shall have effect in Northern Ireland as if for the reference therein to section twenty-one of the Arbitration Act, 1950, and to section twenty-six of that Act there were substituted respectively a reference to section twenty-two of the Arbitration Act (Northern Ireland), 1937, and to section sixteen of the last-mentioned Act.
- (9) Subsection (5) of section eighteen of this Act shall have effect in Northern Ireland as if—
 - (a) for the reference therein to section one hundred and eleven of the County Courts Act, 1934, there were substituted a reference to sections thirty-five and thirty-seven of the County Officers and Courts (Ireland) Act, 1877;
 - (b) for the words " within the district of which " there were substituted the words " having jurisdiction in the area in which ";
 - (c) references therein to the High Court were references to the High Court of Justice in Northern Ireland.
- (10) For the purpose of negotiations between a board administering a scheme which is not applicable to Northern Ireland or any part thereof and the board administering

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a scheme made under legislation enacted by the Parliament of Northern Ireland for regulating the marketing of an agricultural product, the provisions of section thirty-one of this Act relating to the power of a board to negotiate with other persons shall have effect as if the reference therein to the Minister were a reference to the Minister and the Secretary of State concerned with agriculture in Northern Ireland.

- (11) In the application of this Act to Northern Ireland references to summary conviction shall be construed as references to summary conviction under the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction.
- (12) An Act of the Parliament of Northern Ireland may provide that the provisions of Part I of this Act and of this section (except subsections (2), (3), (4) and (10) thereof) shall cease to have effect in Northern Ireland except in relation to schemes already approved before the passing of the first-mentioned Act, and in that event those provisions shall cease to have effect accordingly except in relation to schemes already approved as aforesaid.

54 Repeals and savings

- (1) The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) In so far as any scheme, rule, regulation or order made, certificate or direction given or other thing done under an enactment repealed by this Act could have been made, given or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if made, given or done under that corresponding provision:

Provided that this subsection shall not apply to payments made under subsection (2) of section eleven of the Agricultural Marketing Act, 1931.
- (3) Nothing in this Act shall affect any order made by the Board of Trade under section one of the Import, Export and Customs Powers (Defence) Act, 1939, suspending the operation of any order made under section one of the Agricultural Marketing Act, 1933, and having effect, by virtue of the last foregoing subsection, as if made under section forty-three of this Act.
- (4) Nothing in this Act shall invalidate any provision of any scheme approved before the thirty-first day of May, nineteen hundred and forty-nine, being a provision which was included in that scheme in pursuance of an enactment or part of an enactment repealed by subsection (2) of section twenty of the Agricultural Marketing Act, 1949.
- (5) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed or authorised under or by virtue of the corresponding provision of this Act.
- (6) Any enactment or document referring to an Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding provision of this Act.
- (7) The mention of particular matters in this section shall not affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

55 Short title and commencement

- (1) This Act may be cited as the Agricultural Marketing Act, 1958.
- (2) This Act shall come into operation at the expiration of one month beginning with the date of its passing.