



# Horticulture Act 1960

1960 CHAPTER 22 8 and 9 Eliz 2

An Act to make provision for assisting the production and marketing of horticultural produce. [22nd March, 1960]

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**Modifications etc. (not altering text)**

**C1** Act: power to transfer functions conferred (27.12.1999) by [S.I. 1999/3141](#), arts. 2(1)(5), 3, [Sch.](#)

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**Commencement Information**

**II** Act partly in force at Royal Assent (s. 19 now repealed); Act wholly in force at 9.5.1960

<sup>F1</sup>**PART I**

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**Textual Amendments**

**F1** [Pt. I](#) (ss. 1-8) repealed (5.11.1993) by [1993 c. 50](#), [Sch. 1 Pt.II](#).

*Status: Point in time view as at 05/11/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Horticulture Act 1960. (See end of Document for details)*

## PART II

### HORTICULTURAL MARKETING

#### Modifications etc. (not altering text)

**C3** Horticultural Marketing Council dissolved on 31st March 1963 by [S.I. 1962/2393](#)

**9—12.** ..... <sup>F16</sup>

#### Textual Amendments

**F16** [Ss. 8\(3\)\(4\), 9—12, 16, 17\(1\), 19](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. VIII](#)

### **13 Miscellaneous financial powers of Council.**

- (1) Where in the exercise of its functions [<sup>F17</sup>an organisation established in pursuance of section 15 of this Act (hereafter in this section and the following section referred to as a “relevant organisation”)] renders any service to any person it may make such charges in respect thereof as may be agreed between it and that person.
- (2) [<sup>F18</sup>A relevant organisation] may borrow money and mortgage or charge any of its property . . . <sup>F19</sup>  
Provided that the powers conferred by this subsection shall not be exercisable until a scheme under the said section eleven has been confirmed.
- (3) [<sup>F18</sup>A relevant organisation] shall have power to invest any of its money which is not for the time being required for any other purpose in any securities in which trustees may invest trust moneys under the powers conferred by section one of the <sup>M2</sup>Trustee Act 1925, or, with the approval of the Ministers, in any other securities.

#### Textual Amendments

**F17** Words substituted by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 2 para. 4\(1\)](#)

**F18** Words substituted by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 2 para. 4\(2\)](#)

**F19** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. VIII](#)

#### Modifications etc. (not altering text)

**C4** Reference in s. 13(3) to s. 1 of the Trustee Act 1925 to be construed as reference to that enactment as re-enacted in [Trustee Investments Act 1961 \(c. 62\)](#) by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)](#)  
(a)

#### Marginal Citations

**M2** [1925 c. 19.](#)

### **14 Report and accounts of Council.**

- (1) As soon as may be after the end of each accounting period [<sup>F20</sup>a relevant organisation] shall prepare and submit to the Ministers a report on the discharge of its functions

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under this Act during that period, and the Ministers shall lay a copy of the report before each House of Parliament.

- (2) [<sup>F20</sup>A relevant organisation] shall keep proper accounts and shall prepare in respect of each of its accounting periods statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of [<sup>F20</sup>a relevant organisation] for each accounting period shall be audited by auditors to be appointed by [<sup>F21</sup>the organisation].
- [<sup>F22</sup>(3) A person shall not be appointed auditor under subsection (2) unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]
- (4) As soon as may be after the accounts of [<sup>F20</sup>a relevant organisation] have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statements and report before each House of Parliament.
- (5) Copies of reports and statements of account prepared by [<sup>F20</sup>a relevant organisation] under this section shall be made available to the public at a reasonable price.
- (6) In this section “accounting period” means the period beginning with the establishment of [<sup>F21</sup>the relevant organisation in question] and ending with such date falling not more than twelve months later as [<sup>F21</sup>the organisation] may determine, or any subsequent period of not more than fifteen months, beginning with the end of a previous accounting period, which [<sup>F21</sup>the organisation] may appoint.

#### Textual Amendments

- F20** Words substituted by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 2 para. 4\(2\)](#)
- F21** Words substituted by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 2 para. 4\(3\)](#)
- F22** [S. 14\(3\)](#) substituted (1.10.1991) by [S.I. 1991/1997, reg. 2 Sch. para.6](#) (with [reg. 4](#))

## 15 Special arrangements for home-grown produce.

- (1) If it appears to the Ministers, after consultation with any bodies appearing to them to represent to any substantial extent the interests of producers generally or of any description of producers, that it is expedient for promoting sales of home-grown produce and in the national interest that they should exercise their powers under this subsection, the Ministers may by order establish an organisation which shall have the functions of—
  - (a) promoting, assisting or undertaking arrangements for stimulating the consumption, generally or by particular sections of the community, of the produce for which the organisation is established;
  - (b) undertaking the certification of that produce, the registration of certification trade-marks and the functions of proprietors of such marks; and
  - (c) promoting, assisting or undertaking research into the demand (whether actual or potential) for that produce;and the order shall provide for the incorporation of the organisation by such name as may be specified in the order, with perpetual succession and a common seal [<sup>F23</sup>and power to hold land without licence in mortmain.]
- (2) An order under the foregoing subsection shall provide for the appointment by the Ministers of the members of the organisation, and—

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- (a) the number of the members shall not be less than seven nor more than twenty;
- (b) . . . . .<sup>F24</sup> the members, . . . . .<sup>F24</sup> shall be persons appointed after consultation with any bodies appearing to the Ministers to represent to any substantial extent the interests of producers of the produce for which the organisation is established;

and the Ministers shall from time to time designate a chairman and a deputy chairman.

- (3) If, after such consultation as is mentioned in subsection (1) of this section, it appears to the Ministers that it is expedient that they should exercise their powers under that subsection as respects a particular description of home-grown produce only, the Ministers may make an order under that subsection confined to that description of produce.
- (4) An order under subsection (1) of this section may be varied—
- (a) if made by virtue of the foregoing subsection, so as to extend the description of produce as respects which the organisation is constituted;
- (b) in any case, so as to exclude from the operation of the order any description of produce:

Provided that no variation shall be made in pursuance of paragraph (a) of this subsection except after consultation with any bodies appearing to the Ministers to represent to any substantial extent the interests of producers generally or of any description of producers, and no variation shall be made in pursuance of paragraph (b) thereof except after consultation with any bodies appearing to the Ministers to represent to any substantial extent the interests of producers of the produce as respects which the organisation is constituted.

- (5) The power to vary conferred by the foregoing subsection shall be exercisable by order made by the Ministers, and any such order may contain such consequential provisions as may be requisite for the purposes of the order, including provision for changing the name or composition of the organisation to which the order relates.
- [<sup>F25</sup>(6) An order under subsection (1) of this section shall provide for Part II of Schedule I to [<sup>F26</sup>the <sup>M3</sup>House of Commons Disqualifications Act 1975] (which specifies bodies of which the members are disqualified under that Act) to have effect in its application to the House of Commons of the Parliament of the United Kingdom with the insertion at the appropriate place in alphabetical order of the name of the organisation established by the order.]
- (7) The provisions in that behalf of the First Schedule to this Act shall have effect in relation to any organisation established under this section and its members.
- (8) Any power conferred by this section to make an order shall be exercisable by statutory instrument, and no such order shall be made unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

#### Textual Amendments

- F23** Words repealed (E.W.)(S.) by [Charities Act 1960 \(c. 58\)](#), [Sch. 7 Pt. II](#)
- F24** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. VIII](#)
- F25** [S. 15\(6\)](#) substituted by [Statute Law \(Repeals\) Act \(c. 39\)](#), [Sch. 2 para. 4\(4\)](#)
- F26** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 17\(2\)\(a\)](#)

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**Modifications etc. (not altering text)**

**C5** S. 15(1)(b) amended (31.10.1994) by 1994 c. 26, s. 106(1), **Sch. 4 para. 1(2)**; S.I 1994/2550, art. 2.

**Marginal Citations**

**M3** 1975 c. 25.

16 ..... <sup>F27</sup>

**Textual Amendments**

**F27** Ss. 8(3)(4), 9—12, 16, 17(1), 19 repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

**17 Dissolution of Council, etc.**

(1) ..... <sup>F28</sup>

The consultation required before making an order under this subsection is with the Council and, if a scheme under section eleven of this Act has been confirmed, with any bodies appearing to the Ministers to represent to any substantial extent interests in respect of which members are appointed to the Council.

(2) If an organisation has been established under section fifteen of this Act, and after consultation with the organisation and with any bodies appearing to the Ministers to represent to any substantial extent the interests of the producers concerned, it appears to the Ministers expedient so to do, they may by order dissolve the organisation.

(3) The Ministers shall in an order under this section make such provision as appears to them requisite for—

(a) the winding up of the affairs of the . . . <sup>F29</sup> organisation,

(b) ..... <sup>F30</sup>

(c) ..... <sup>F29</sup> the imposition and recovery of charges for meeting the liabilities of the organisation and the expenses of the winding up, in so far as those liabilities and expenses cannot be met out of the assets of the organisation, and for the application of any surplus assets for purposes specified in the order, being purposes connected with the production, marketing and distribution of the produce for which the organisation stood established before the winding up.

(4) The power to make an order conferred by this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(5) So much of an order under this section as makes provision for the matters specified in subsection (3) of this section may be varied or revoked by a subsequent order of the Ministers under this section.

**Textual Amendments**

**F28** Ss. 8(3)(4), 9—12, 16, 17(1), 19 repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

**F29** Words repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VIII**

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**F30** S. 17(3)(b) repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. VIII

**18 Interpretation of Part II.**

In this Part of this Act:—

- ..... **F31**
- “home-grown produce” means horticultural produce grown in Great Britain;
- “horticultural produce” means fresh fruit, not including nuts or dates, fresh vegetables, including fresh fungi, fresh herbs, cut flowers, pot plants and decorative foliage;
- “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State;
- ..... **F31**
- “producers” means producers for sale of home-grown produce.

**Textual Amendments**

**F31** Definition repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. VIII

**19** ..... **F32**

**Textual Amendments**

**F32** Ss. 8(3)(4), 9—12, 16, 17(1), 19 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. VIII

**PART III**

GENERAL AND SUPPLEMENTARY

**20 Extension of time under 16 & 17 Geo. 5, c. 39, s. 2, for requiring production of books, etc.**

In section two of the Horticultural Produce (Sales on Commission) Act, 1926 (under which an owner or consignor has ten days in which to require the salesman to produce books and other documents for inspection), for the words “ten days” there shall be substituted the words “one month”.

**Modifications etc. (not altering text)**

**C6** The text of s. 20 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**21 Expenses and receipts.**

(1) The expenses of any Minister under this Act shall be defrayed out of moneys provided by Parliament.

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(2) Any receipts of Ministers under Part II of this Act shall be paid into the Exchequer.

**22 Short title.**

This Act may be cited as the Horticulture Act, 1960.

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## SCHEDULES

### FIRST SCHEDULE

Sections 9 and 15.

#### PROVISIONS AS TO CORPORATIONS CONSTITUTED UNDER PART II AND MEMBERS

- 1            In this Schedule “the Corporation” means . . . <sup>F33</sup> any organisation established under section fifteen of this Act.

#### **Textual Amendments**

**F33** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. VIII](#)

- 2            The Corporation may act notwithstanding a vacancy among its members, and no act of the Corporation shall be deemed to be invalid by reason only of a defect in the appointment of any of the members.
- 3            The Corporation may appoint such advisory committees as it thinks fit to consider such matters with which the Corporation may be concerned as it may specify and report thereon to the Corporation, and any such committee may comprise persons who are not members of the Corporation.
- 4            (1) In the case of an equality of votes at any meeting of the Corporation the chairman of the meeting shall have a second or casting vote.
- (2) Any application of the seal of the Corporation shall be authenticated by the signature of its chairman or of some member of the Corporation authorised by it to act on his behalf, and of the secretary or some person authorised by the Corporation to act on the secretary’s behalf.
- (3) Subject to the foregoing provisions of this Schedule, the Corporation may determine its own quorum and procedure and the quorum and procedure of its committees.
- 5            (1) Each member of the Corporation shall hold and vacate office in accordance with the terms of his appointment; but notwithstanding anything in those terms he may at any time resign his office by notice in writing.
- (2) A person who has held office as a member of the Corporation shall be eligible for reappointment.
- 6            (1) The Corporation—
- (a) shall pay to each of its members, in respect of his office as such, such remuneration (whether by way of salary or fees) and such allowances as the Ministers may, with the approval of the Treasury, determine in the case of that member;
- (b) may pay to members of any advisory committee, not being members of the Corporation, such allowances as the Ministers may, with the approval of the Treasury, determine; and
- (c) in the case of any such member of the Corporation as the Ministers may, with the approval of the Treasury, determine, shall pay such pensions or make



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such payments towards the provision of pensions to or in respect of him as the Ministers may, with the approval of the Treasury, determine.

- (2) The Ministers shall, as soon as possible after the coming into operation of Part II of this Act, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable to the members of the Corporation under this paragraph; and if any subsequent determination by the Ministers under this paragraph involves any departure from the terms of the said statement or if a determination of the Ministers under this paragraph relates to the payment of, or to payments towards the provision of, a pension to or in respect of any member of the Corporation, the Ministers shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.
- 7 A member of the Corporation shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation, disclose the nature of his interest at a meeting of the Corporation as soon as possible after the relevant circumstances have come to his knowledge; and—
- (a) any disclosure made by a member under this paragraph shall be recorded in the minutes of the Corporation;
  - (b) the member shall not take part after the disclosure in any deliberation or decision of the Corporation with respect to the contract;
  - (c) the member shall be disregarded for the purpose of constituting a quorum of the Corporation for any such deliberation or decision.
- 8 (1) The Corporation may appoint a secretary and such other officers and such servants as the Corporation may determine.
- (2) The Corporation shall—
- (a) pay to its officers and servants such remuneration as the Corporation may determine; and
  - (b) as regards any officers or servants in whose case it may be determined by the Corporation with the approval of the Ministers so to do, pay to or in respect of those officers and servants such pensions, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.
- (3) Where any officer or servant employed by the Corporation, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Corporation, he may be treated for the purposes of the pension scheme as if his service as a member of the Corporation were service as an officer or servant employed by the Corporation, and his rights under the scheme shall not be affected by any provision of this Schedule which requires that pensions or payments towards the provision of pensions to be paid or made in the case of members of the Corporation shall be determined by the Ministers with the approval of the Treasury.
- 9 In this Schedule “pension”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions, with or without interest thereon or any other addition thereto.

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F34F34 SECOND SCHEDULE

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**Textual Amendments**

**F34** Sch. 2 repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. VIII

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F34

**Status:**

Point in time view as at 05/11/1994.

**Changes to legislation:**

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