

## SCHEDULES

### FIRST SCHEDULE

Sections 9, 15.

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

- 1 In this Schedule "the Corporation" means the Horticultural Marketing Council or any organisation established under section fifteen of this Act.
- 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 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

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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.

## SECOND SCHEDULE

Sections 11, 16.

### HORTICULTURAL MARKETING COUNCIL CHARGES SCHEME

- 1 A scheme may provide for the collection of the charges therein specified in such circumstances and from such persons or classes of persons, being producers or dealers, as may be so specified, and may make different provision for different cases.

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- 2 A scheme may make provision for enabling any person from whom charges are collected under the scheme—
- (a) to recover those charges, or such part thereof as may be specified in the scheme, from other persons so specified, being producers or dealers ;
  - (b) to make from his payments to the Council deductions of an amount or at a rate so specified in respect of his expenses in recovering any such charges or part thereof from any such other person as aforesaid ;
- and as respects additional charges under section sixteen of this Act shall make provision for securing that the charges, in so far as not collected from producers, are ultimately borne by producers.
- 3 A scheme may, so far as is necessary for determining the liability of persons to charges thereunder, require or confer on the Council power to require producers or dealers—
- (a) to be registered in a register kept for that purpose by the Council;
  - (b) to keep records and to furnish returns and other information, and to produce for examination on behalf of the Council books and other documents in their custody or under their control.
- 4 If—
- (a) the Council proposes to make provision in a scheme whereby charges will be payable (directly or indirectly) by producers who are for the time being registered producers under a scheme (hereinafter referred to as " a marketing scheme ") made or having effect as if made under Part I of the Agricultural Marketing Act, 1958, or
  - (b) the board administering a marketing scheme notify the Council that in consequence of the scheme persons will become registered producers who are producers by whom charges are payable (directly or indirectly) under a scheme under section eleven of this Act,
- the Council shall so exercise its powers of making or varying the scheme under the said section eleven as to secure that there will be inserted in the scheme such provision for preventing double payments or protecting the revenues of the board administering the marketing scheme as may be agreed between the Council and the board or, in default of agreement, determined by the Ministers.
- 5 A scheme may contain such incidental and supplementary provisions as appear to the Council expedient for the purposes of the scheme.
- 6 In this Schedule " dealers " means persons (whether principals or agents) importing horticultural produce into Great Britain or selling it in Great Britain, but does not include producers.

#### TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Horticultural Produce (Sales on Commission) Act, 1926	16 & 17 Geo. 5. c. 39.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.

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Short Title	Session and Chapter
Agricultural Holdings (Scotland) Act, 1949	<a href="#">12, 13 &amp; 14 Geo. 6. c.75.</a>
Crofters (Scotland) Act, 1955	<a href="#">3 &amp; 4 Eliz. 2. c. 21.</a>
House of Commons Disqualification Act, 1957	<a href="#">5 &amp; 6 Eliz. 2. c. 20.</a>
Agricultural Marketing Act, 1958	<a href="#">6 &amp; 7 Eliz. 2. c. 47.</a>