



# Agricultural Marketing Act (Northern Ireland) 1964

## 1964 CHAPTER 13

### AGRICULTURAL MARKETING SCHEMES

#### **5 Regulation of sales of regulated product.**

- (1) Every scheme shall require that no sale of the regulated product [<sup>F1</sup> or any description thereof] shall be made by any producer who is not either a registered producer or a person exempted from registration by or under the provisions of the scheme.
- (2) A scheme may provide for all or any of the matters set out in the following paragraphs, that is to say:—
  - (a) for requiring registered producers to sell the regulated product or any description thereof, or such quantity thereof or of any description thereof as may from time to time be determined by the board, only to, or through the agency of, the board;
  - (b) for the determination from time to time of the quantity of the regulated product or of any description thereof which may be sold by any producer;
  - (c) for the determination from time to time—
    - (i) of the descriptions of the regulated product which may be sold by any producer;
    - (ii) of the price at, below or above which, the terms on which, and the persons to ...<sup>F2</sup> whom, the regulated product or any description or quantity thereof, may be sold as aforesaid;
  - (d) for empowering the board to receive the whole or any part of any sums payable by purchasers of the regulated product in respect of sales of that product by registered producers, and for securing that any sums so received are distributed by the board to the sellers in such manner as may be specified in the scheme or prescribed by the board;
  - (e) for permitting the board, with the approval of the Ministry, to pay or allow a discount or similar abatement in respect of the fixed price of the regulated product or any description thereof payable for some past period to persons

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who during the said period have purchased the product or any description thereof.

In this paragraph the expression “fixed price” means the price at which the regulated product may be sold by producers under the scheme;

- <sup>F3</sup>(f) for prohibiting producers from selling the regulated product or any description or quantity thereof through the agency of any persons except the persons, if any, who are authorised by the board in writing to act as agents for the sale of the product or the product of that description or quantity;
- (g) for prohibiting—
- (i) any person other than the board, or
  - (ii) any such person who is not authorised by the board in writing,
- from acting as an agent for the sale of the regulated product or any description or quantity thereof;
- (h) for empowering any person authorised in writing by the board (including, with the approval of the Ministry, an officer of the Ministry)—
- (i) to enter and remain on, at all reasonable times, any land or premises on which he has reason to believe there are regulated products or any description thereof, taking with him such other persons and such equipment as appear to him necessary, and
  - (ii) to inspect any such products which are found there and weigh or otherwise measure or count them and for that purpose to use any such equipment or any weighing or measuring equipment which is on the land or premises, and
  - (iii) to apply or cause to be applied to any such product a mark identifying it as such a product or such a product of any description;
- (i) for requiring any person who proposes to act as an agent for the sale of the regulated product or any description thereof, on premises used or occupied by whom any such product is found, or any person who is acting or has acted as an agent for the sale of any such product—
- (i) to state to a person authorised as mentioned in paragraph ( h ), when requested by him, the name and address of the person on whose behalf the product is proposed to be sold or, where the product has been sold, the names and addresses of the seller and the buyer;
  - (ii) to make and keep any specified record of any sales of the product conducted by him or on his behalf;
  - (iii) to produce to a person so authorised, when requested by him, and permit him to inspect and to copy the whole or part of any record made and kept under sub-paragraph (ii) in relation to the product or any other books or documents relating to dealings with the product.]
- (3) A scheme which provides for the matter set out in subsection (2)( b ) shall either specify the method of determination or require the board to prescribe it and, without prejudice to the generality of the foregoing provision, the method of determination may be such as to secure that the quantity, if any, which any particular producer may sell is determined wholly or partly by reference to the quantity of that product or description, as the case may be, which was, in some past period, produced, sold or otherwise dealt with on particular land or premises or by particular persons.
- (4) A scheme may provide for securing, for all or any of the purposes of the scheme or of this Act,—

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- (a) that the sale of any product wholly or partly manufactured or derived from the regulated product shall be deemed to be a sale of the regulated product if the substance of the transaction between the seller and the buyer is that the seller, being in possession of the regulated product, agrees to subject it, or cause it to be subjected, to some process and to sell the resulting product to the buyer; and
  - (b) that, without prejudice to the foregoing provisions of this subsection, where the regulated product is livestock of any kind, a person shall be deemed to sell the regulated product if he sells the carcasses of any livestock of that kind, being livestock produced by him in the area to which the scheme is applicable.
- (5) Any producer who sells the regulated product [<sup>F3</sup> or any description or quantity thereof] in contravention of any provisions of a scheme made in pursuance of subsection (1) or [<sup>F3</sup> paragraph (a)], paragraph (b) or paragraph (c) [<sup>F3</sup> or paragraph (d) or paragraph (f)] of subsection (2), shall for each offence be liable on summary conviction [<sup>F3</sup> to imprisonment for a term not exceeding three months or] to a fine not exceeding [<sup>F4</sup> level 2 on the standard scale], [<sup>F3</sup> or to both such imprisonment and such fine] or on conviction on indictment [<sup>F3</sup> to imprisonment for a term not exceeding three months or] to [<sup>F4</sup> an unlimited fine], [<sup>F3</sup> or to both such imprisonment and such fine] and in either case to an additional fine not exceeding one half of the price at which the product was sold but the fines imposed on summary conviction for any offence under this subsection shall not exceed in the aggregate [<sup>F4</sup> level 4 on the standard scale].
- <sup>F3</sup>(6) Any person who acts in contravention of any provision of a scheme made in pursuance of paragraph (g) of subsection (2) shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding [<sup>F4</sup> level 4 on standard scale] or to both such imprisonment and such fine.
- (7) Any person who—
- (a) acts in contravention of any provision of a scheme made in pursuance of paragraph (i) of subsection (2), or
  - (b) does not comply with any request duly made of him as mentioned in the said paragraph (i), or
  - (c) in any statement or record made as so mentioned knowingly or recklessly makes a statement or entry which is false, or
  - (d) without lawful authority obliterates or defaces a mark applied to a regulated product under paragraph (h)(iii) of subsection (2), or
  - (e) wilfully obstructs or impedes a person exercising functions under any provision of a scheme made in pursuance of paragraph (h) of subsection (2),
- shall be liable on conviction to a fine not exceeding £200.]

<b>F1</b>	1975 NI 8
<b>F2</b>	1970 c.20 (NI)
<b>F3</b>	1970 c.20 (NI)
<b>F4</b>	1984 NI 3

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