



# Horticulture Act (Northern Ireland) 1966

## 1966 CHAPTER 15

### PART I

#### FRESH HORTICULTURAL PRODUCE

##### GRADING OF PRODUCE

## 2 Duties as to grading.

- (1) Except in such circumstances as are mentioned in subsection (2), a person shall not sell any fresh horticultural produce of a description in relation to which grades of quality are designated and defined under section 1(1) (in this Part referred to as “regulated fresh produce” ) unless the produce falls within a defined grade and is packed in a package to which is affixed a label in the form prescribed for that or any lower grade or, if not packed in a package, has affixed to it such a label.
- (2) The circumstances referred to in subsection (1) are as follows:—
  - (a) a sale of the produce in the ordinary course of a retail business, where on any occasion the total quantity of such produce of any description which is the subject of the sale does not exceed (whether by reference to weight or to number or both) such quantity as may be prescribed for produce of that description;
  - (b) a sale where the produce is to be used by the buyer in manufacturing or producing any commodity for sale or other disposal by him;
  - (c) a direct sale by the producer of any produce to a person (other than a retailer or a person who buys the produce for use in manufacturing or producing any commodity for sale or other disposal by him) who gives the producer an undertaking in writing—
    - (i) that before any sale by him of any of the produce, not being a sale such as is mentioned in paragraph ( b ), the produce will be sorted into the defined grades and any produce the quality of which is inferior to that required for the lowest defined grade will be separated from other produce; and

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**Changes to legislation:** *There are currently no known outstanding effects for the Horticulture Act (Northern Ireland) 1966, Section 2. (See end of Document for details)*

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- (ii) that on any sale by him of any of the produce falling within a defined grade, not being a sale such as is mentioned in paragraph ( *b*), the produce will be packed in a package to which is affixed a label in the form prescribed for that or any lower grade or, if not packed in a package, will have affixed to it such a label.
- (3) The Ministry may by order provide that subsection (2) shall have effect, in relation to such sales as are described in the order, as if paragraph ( *b*) thereof, and any reference to that paragraph in paragraph ( *c*) thereof, were omitted.
- (4) In subsection (2)( *c*) “direct sale” means a sale where negotiations on behalf of the vendor are not conducted by any agent other than a person employed by him under a contract of service.

**Changes to legislation:**

There are currently no known outstanding effects for the Horticulture Act (Northern Ireland) 1966, Section 2.