
STATUTORY INSTRUMENTS

1987 No. 166

The Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1986

PART II

GUARANTEED PRICES AND ASSURED MARKETS FOR POTATOES

Power to provide for guaranteed prices, etc.

3.—(1) The Department may by order make such provision as appears to it to be expedient for providing guaranteed prices or assured markets for producers of potatoes.

(2) Without prejudice to the generality of paragraph (1), an order under this Article may in particular provide—

- (a) for the payment by the Department to the Board administering a marketing scheme for potatoes of sums calculated by reference to the difference between the value at guaranteed prices determined by the Department in pursuance of the order of potatoes sold by the Board and the receipts of the Board ascertained or estimated for the purposes of the order from the sale of potatoes;
- (b) for the payment by the Department to producers of potatoes, or to such other persons as may be prescribed by the order, of sums calculated by reference to the difference between guaranteed prices determined by the Department in pursuance of the order and prices ascertained or estimated for the purposes of the order as the prices received or to be received by producers on the sale of potatoes;
- (c) for the purchase by or on behalf of the Department or by the Board administering a marketing scheme for potatoes, at guaranteed prices determined by the Department in pursuance of the order, of any potatoes tendered by the producers, and, in the case of purchase by an such Board, for the payment by the Department of the whole or part of any trading losses incurred or treated as incurred by the Board on the purchase and disposal of potatoes.

(3) Subject to the provisions of this Article, any guaranteed price to be determined by the Department in pursuance of an order under this Article shall be determined from time to time in respect of such guarantee periods (being periods of or of approximately 12 months) as may be prescribed by the order, and shall be so determined in the light of the conclusions of the Department from the annual review last held before the commencement of that period.

(4) Subject to the following provisions of this part, any guaranteed price determined by the Department for a guarantee period in pursuance of an order under this Article may be varied by a subsequent determination of the Department.

(5) Where the dates of the guarantee periods prescribed by an order under this Article are varied by a subsequent order, that subsequent order may direct that the duration of the first guarantee period under the order as varied, or of the last previous guarantee period, shall be shortened or extended accordingly.

Provision for stability of particular guarantees

4.—(1) The guaranteed price determined for a guarantee period in pursuance of an order under Article 3 shall not be less than 96 per cent. (calculated to the nearest figure or fraction which the Department considers appropriate) of the corresponding price determined for the last previous guarantee period in pursuance of that order or of any previous order under Article 3.

(2) In comparing for the purposes of this Article the guaranteed prices determined in respect of potatoes for any two guarantee periods there shall be made such adjustment, if any, as the Department, after consultation with producers, may determine to be appropriate in consequence of changes in the arrangements in force under Article 3 in respect of those periods respectively.

(3) In relation to an order which provides for the determination of different guaranteed prices in respect of different descriptions or quantities of potatoes to which the order applies, any reference in this Article to the guaranteed price determined in pursuance of the order shall be construed as a reference—

- (a) where those different prices are derived from the conversion of a single guaranteed price determined in pursuance of the order, to that single guaranteed price;
- (b) in any other case, to the weighted average (calculated upon such principles as may be determined by the Department after consultation with producers) of those different prices; but in relation to an order under Article 3 which applies primarily but not exclusively to potatoes within a standard quantity prescribed by or under the order, the Department may direct that this Article shall have effect as if that order did not apply to any potatoes in excess of that quantity.

(4) Any reference in this Article to the guaranteed price determined for a guarantee period shall be construed as a reference to the price so determined irrespective of any variation effected in pursuance of Article 3(4).

(5) Without prejudice to the foregoing provisions of this Article, the power of the Department to vary a determination made in pursuance of an order under Article 3 or to vary during a guarantee period an order made under that Article, shall not be exercised in a manner which, in its opinion, would reduce the amounts payable to the producers of potatoes unless the reduction is made in pursuance of the conclusions of the Department from the annual review last held before the commencement of that period.

(6) The Department may from time to time take into consideration in consultation with producers the percentage specified in paragraph (1) and may by order substitute for that percentage such other percentage as it considers appropriate: but an order under this paragraph shall not apply in relation to any determination made within 12 months after the date on which the order is made.

Power to make provision for protection of guarantees

5. For the purpose of supporting any arrangements in force by virtue of an order under Article 3 and in particular of securing that payments (whether made by or on behalf of the Department under any such order or by a Board to whom payments are so made) are made in proper cases only, the Department may by order make provision—

- (a) for requiring that potatoes to which the order applies (being potatoes eligible for such payments as aforesaid or potatoes of any class or description which includes potatoes eligible for such payments) shall be marked in such circumstances, in such manner, for such purpose, and by or under the supervision of such person, as may be prescribed by or under the order;
- (b) for prohibiting the removal from markets or other places where potatoes are required to be marked in pursuance of the order of any potatoes to which the order applies which have not been so marked;

- (c) for requiring the production, or the keeping and production, by merchants or other persons of books, accounts or records relating to the purchase, sale or use of potatoes to which the order applies;
- (d) for enabling authorised officers of the Department to enter upon land used for the production, storage, grading, packing or sale of any potatoes to which the order applies, and to inspect and take samples of any such potatoes found upon land so used;
- (e) prohibiting—
 - (i) the sale or use for human consumption (including use in the preparation of food for human consumption);
 - (ii) the sale or use for planting;

of potatoes purchased by or on behalf of the Department or any Board in pursuance of an order under Article 3 and sold by it as stockfeed;

- (f) for any other matters for which provision appears to the Department to be necessary or expedient for the purposes described in this Article.

Offences

6.—(1) If any person contravenes any provision of an order under Article 5, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) If any person wilfully obstructs an authorised officer or other person in the exercise of powers conferred on him by an order under Article 5 he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding one month or to both.

(3) If any person—

- (a) knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any sum payable in pursuance of an order under this part;
- (b) with intent to deceive, removes, alters, conceals or defaces any mark applied to potatoes in pursuance of any such order;
- (c) applies to potatoes, without due authority and with intent to deceive, any mark prescribed by or under any such order or applies to potatoes a mark so closely resembling a prescribed mark as to be calculated to deceive; or
- (d) wilfully makes a false entry in any book, account or record which is required to be produced in pursuance of any such order or, with intent to deceive, makes use of any such entry which he knows to be false;

he shall be liable—

- (i) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both;
- (ii) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.

Supplementary provisions as to orders

7.—(1) Any power of the Department to make orders under Article 3 or 4(6) shall be exercised with the consent of the Department of Finance and Personnel and after consultation with producers.

- (2) An order under Article 4(6) shall be subject to affirmative resolution.

(3) Any other order under this part shall come into operation on such date as is specified in the order and shall be laid before the Assembly as soon as may be after it is made, but shall cease to have effect upon the expiration of a period of 40 days beginning with the date on which it came into operation unless, before the expiration of that period, it is approved by a resolution of the Assembly.

(4) An order under this part may provide for the delegation by the Department of any functions (other than the function of determining guaranteed prices or factors relevant to the operation of such prices) conferred or imposed on it by the order.

Interpretation of part II

8. In this part—

“annual review” means an annual review held under section 2 of the Agriculture Act1947;

“consultation with producers”, in relation to any exercise of a function conferred or imposed by this part on the Department, means consultation with such bodies of persons as appear to the Department to represent the interests of producers of potatoes;

“description” includes quality;

“marketing scheme” means a scheme for regulating the marketing of potatoes under the Agricultural Marketing Act1958 or the Agricultural Marketing (Northern Ireland) Order1982.