



Cereals Marketing Act 1965

1965 CHAPTER 14

An Act to provide for the establishment of a Home-Grown Cereals Authority, and to make provision as to the functions and finances of the Authority; and for purposes connected therewith. [2nd June 1965]

Modifications etc. (not altering text)

- C1 Certain functions of Minister of Agriculture, Fisheries and Food transferred by [S.I. 1969/388](#) art. 3, Sch. 2 paras. 1(h), 5(y), 1972/272 art. 2, Sch. 1
- C2 Act extended by [Agriculture Act 1970](#) (c. 40, SIF 2:1), [s. 108\(1\)\(a\)](#)
- C3 Powers to apply and modify Act conferred by [Agriculture Act 1986](#) (c. 49, SIF 2:1), [s. 6\(1\)\(4\)](#)
- C4 Act extended by [S.I. 1989/1200](#), [art. 2](#)

PART I

CONSTITUTION AND NON-TRADING FUNCTIONS OF HOME-GROWN CEREALS AUTHORITY

1 Constitution of Authority.

- (1) There shall be established an Authority, to be called the Home-Grown Cereals Authority (in this Act referred to as “the Authority”), who shall perform the functions assigned to them by or under this Act for the purpose of improving the [^{F1}production and marketing] of home-grown cereals.
- [^{F2}(2) The Authority shall consist of not less than twelve and not more than twenty-one members appointed by the Ministers.
- (3) Of those members—
 - (a) not less than two and not more than three shall be appointed as being independent; and
 - (b) an equal number (being not less than five and not more than nine) shall be appointed as being respectively—

Status: Point in time view as at 01/02/1991.

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- (i) persons capable of representing the interests of growers of home-grown cereals, and
 - (ii) persons capable of representing the interests of persons who are either dealers in or processors of home-grown cereals.
- (4) Of the members appointed under paragraph (b) of subsection (3) of this section as being persons capable of representing the interests of growers of home-grown cereals—
- (a) such number as appears to the Ministers to be adequate shall be appointed as being also capable of representing the interests of farmers who use home-grown cereals for feeding livestock kept by them; and
 - (b) at least one shall be appointed as being capable of representing, in particular, the interests of growers of home-grown cereals in Scotland, one the interests of such growers in Wales and one the interests of such growers in Northern Ireland.
- (4A) The Ministers shall appoint one of the members appointed under paragraph (a) of subsection (3) of this section to be chairman and another to be deputy chairman of the Authority.]
- (5) Before appointing the members referred to in [^{F3}paragraph (b) of subsection (3)] of this section, the Ministers shall consult such organisations appearing to them to represent to any substantial extent the interests in respect of which the members in question are to be appointed as the Ministers consider appropriate.
- (6) The Authority shall—
- (a) pay to the members of the Authority such remuneration and such travelling or other allowances as the Ministers may, with the approval of the Treasury, determine, and
 - (b) in the case of any member of the Authority to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case.
- (7) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority.

Textual Amendments

F1 Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 4\(2\)](#)

F2 [S. 1\(2\)–\(4A\)](#) substituted for s. 1(2)–(4) by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 4\(3\)](#)

F3 Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), Sch. 3 para. 2\(a\)](#)

Modifications etc. (not altering text)

C5 [S. 1\(6\)](#) continued (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

2—5.^{F4}

Textual Amendments

F4 [Ss. 2–5, 8–11, 14, 15, 19\(2\)–\(4\)](#) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\), Sch. 4](#)

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6 Further non-trading functions of Authority.

- (1) For the purpose specified in section 1(1) of this Act, the Authority may carry on any of the activities mentioned in the following provisions of this section; and any power conferred on the Authority by this section to carry on any activity shall be construed as including a power—
- (a) to carry on that activity in co-operation with any other person, or
 - (b) to do anything (including the provision of financial assistance) calculated to procure, promote or facilitate the carrying on of that activity by any other person.
- (2) The Authority may compile or prepare information or estimates with respect to prices, supply, demand and other market conditions (whether actual or prospective) relating to cereals or related products; and (subject to section 17(2) of this Act) the Authority may publish or disseminate any such information or estimates, and any other information compiled, or estimates prepared, in the course of the performance of their functions under this Act.
- (3) In publishing or disseminating any such information or estimates as are mentioned in the last preceding subsection, the Authority may include recommendations as to prices which would, in their opinion, be appropriate in selling home-grown cereals, having regard to any prices specified in the information or estimates.
- (4) The Authority may devise and disseminate, or otherwise encourage the adoption of, new, improved or standardised systems, procedures or forms for use in connection with the marketing, or preparation for marketing, of home-grown cereals.
- (5) The Authority may conduct research or other experimental work in [^{F5}connection with any matter relating to—
- (aa) the breeding and cultivation of cereals,]
 - (a) the collection, storage, conservation, testing and distributing of home-grown cereals, and
 - [^{F6}(b) the invention of new uses of, or processes which might be applied to, home-grown cereals or straw or the development or assessment of such uses or processes or existing uses or processes,]
- and may carry out demonstrations of the results of any such work or of any other new or improved methods relating to, or apparatus for use in, [^{F7}the production or marketing of cereals].

Textual Amendments

- F5** Words and s. 6(5)(aa) inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 4\(5\)\(a\)](#)
- F6** [S. 6\(5\)\(b\)](#) substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 4\(5\)\(c\)](#)
- F7** Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 4\(5\)\(b\)](#)

7 Power to confer additional non-trading functions on Authority.

- (1) If it appears to the Ministers, after consultation with the Authority, that for the purpose specified in section 1(1) of this Act it is expedient for the Authority to perform additional non-trading functions, the Ministers may, if they think fit, by order confer on the Authority for that purpose such additional non-trading functions as may be specified in the order.

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- (2) Any order under this section may be varied or revoked by a subsequent order thereunder.
- (3) Except as provided by subsection (4) of this section, an order under this section shall not be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.
- (4) The last preceding subsection shall not apply to an order under this section which confers additional non-trading functions on the Authority otherwise than by varying a previous order if the Ministers certify that, in their opinion, all the functions specified in the order are similar in character to those conferred on the Authority by section 6 of this Act; and that subsection—
 - (a) shall not apply to an order under this section which varies a previous order if the Ministers certify that, in their opinion, all the functions conferred by the original order as it will have effect in consequence of the varying order will be functions similar in character to those conferred on the Authority by section 6 of this Act, and
 - (b) shall not apply to an order which revokes a previous order without itself conferring any functions on the Authority if a certificate under this subsection was given in respect of the previous order.
- (5) In this section “additional non-trading functions” means functions which—
 - (a) do not fall within [^{F8}section 6] of this Act, and
 - (b) do not consist (wholly or in part) of buying or selling cereals, except in so far as the buying or selling of cereals may be requisite for purposes of research or other experimental work or for purposes of demonstration.

Textual Amendments
F8 Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 3 para. 2\(b\)](#)

PART II

8—11. ^{F9}

Textual Amendments
F9 Ss. 2–5, 8–11, 14, 15, 19(2)–(4) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

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PART III

FINANCIAL AND SUPPLEMENTARY PROVISIONS

Financial

12 Contributions by Minister of Agriculture, Fisheries and Food.

- (1) The Minister of Agriculture, Fisheries and Food (in this section referred to as “the Minister”) may, with the consent of the Treasury, make contributions out of moneys provided by Parliament towards expenditure incurred or to be incurred by the Authority in the performance of their functions under Part I of this Act (including Schedule 1 to this Act) . . . ^{F10}
- (2) Any contributions under this section may be made subject to any conditions regulating or restricting the functions of the Authority, imposing requirements as to the inspection of accounts and records, or relating to other matters, which the Minister may specify; and the Minister may recover the whole or any part of a contribution which is made subject to a condition, if that condition is not complied with.
- (3) Any sums recovered by the Minister under the last preceding subsection shall be paid into the Exchequer.

Textual Amendments

F10 Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

13 Orders prescribing rates of levy.

- (1) Before the beginning of each year the Authority shall prepare and submit to the Ministers . . . ^{F11}—
 - (a) an estimate of the amount required to be raised by levy for that year for the purposes of the Authority’s functions under Part I of this Act . . . ^{F12}
- (2) Together with any estimate submitted under this section, the Authority shall submit to the Ministers proposals as to—
 - (a) the kinds of home-grown cereals in respect of which a levy should be imposed, and
 - (b) the apportionment of the amount specified in the estimate as between those kinds of home-grown cereals.
- (3) As soon as practicable after the submission to the Ministers of one or more estimates for any year under this section, the Ministers shall—
 - (a) determine the amount to be raised by levy for that year for the purposes of the Authority’s functions under Part I of this Act, . . . ^{F12} and the kinds of home-grown cereals in respect of which a levy is to be imposed for that year, and
 - (b) apportion the amount . . . ^{F12} so determined as between those kinds of home-grown cereals, and
 - (c) make an order for that year specifying, in respect of each of those kinds of home-grown cereals, such rate of levy as appears to the Ministers to be

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sufficient (but not more than sufficient) to meet the amount . . . ^{F12} apportioned to that kind of home-grown cereals under this subsection.

- (4) The rates of levy specified in an order under this section may be expressed either by reference to quantity of home-grown cereals delivered or to [^{F13}area] of land used for the growing of home-grown cereals or partly in the one way and partly in the other; and the order shall include provision as to the way in which any such quantity or [^{F13}area] is to be determined for the purposes of the levy.
- (5) The provisions of Schedule 3 to this Act shall have effect with respect to estimates and orders under this section, and otherwise with respect to levies under this Part of this Act.

Textual Amendments

- F11** Word repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)
- F12** Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)
- F13** Word substituted by [S.I. 1979/26](#), [reg. 2](#)

14, 15. ^{F14}

Textual Amendments

- F14** [Ss. 2–5, 8–11, 14, 15, 19\(2\)–\(4\)](#) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

16 †Scheme for raising levy otherwise than by deduction.

[^{F15}(1) The Authority may at any time prepare and submit to the Ministers a scheme for imposing a levy on persons specified in the scheme who are growers or processors of, or dealers in, home-grown cereals of a kind so specified or who in the course of their business act as intermediaries in the selling and buying of such cereals.

(1A) Before submitting a scheme under subsection (1) above, the Authority shall in such manner as they consider appropriate consult such persons or organisations as appear to them to represent the interests concerned.]

(2) So far as is necessary for determining the liability of persons to a levy imposed in accordance with a scheme under this section, such a scheme may confer on the Authority power to require [^{F16}any such persons as are mentioned in subsection (1) above]—

- (a) to be registered in a register kept for the purpose by the Authority;
- (b) to furnish returns and other information, and to produce for examination on behalf of the Authority books and other documents in their custody or under their control; and
- (c) to keep records and to produce them for examination on behalf of the Authority.

[^{F17}(2A) A scheme under this section—

- (a) may authorise such of the persons on whom the levy is imposed as may be specified in the scheme to recover all or part of the levy payable by them from such other persons (being persons mentioned in subsection (1) above)

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- as may be so specified and may provide for direct collection from those other persons; and
- (b) may authorise the deduction from the levy payable by persons with such a right of recovery, or the repayment to them, of—
- (i) such amounts as may be determined in accordance with the scheme in respect of expenses incurred by them in exercising that right, and
 - (ii) any sums which are in accordance with the scheme to be treated as irrecoverable.]
- (3) Any scheme under this section may be varied or revoked by a subsequent scheme thereunder.
- (4) A scheme under this section shall not have effect unless it is approved by the Ministers by order [^{F18}after consultation with such persons or organisations as appear to the Ministers to represent the interests concerned]; and any such order may approve the scheme with or without modifications, and may be revoked by a subsequent order, whether the subsequent order is made for the purpose of approving another scheme under this section or not.
- (5) An order under the last preceding subsection shall be of no effect unless it is approved by a resolution of each House of Parliament.
- (6) [^{F19}Where for any year the Ministers have made an order under section 13 of this Act specifying a rate of levy for that year in respect of any kind of home-grown cereals], a levy for that year shall be imposed on [^{F20}the persons or classes of persons specified in the scheme as liable to a levy on home-grown cereals] of that kind—
- (a) at the rate specified in relation thereto in the order for that year made under section 13 of this Act, and in accordance with such provisions as to quantity or [^{F21}area] as are contained in that order, and
 - (b) in other respects, in accordance with the provisions of any scheme relating to that kind of home-grown cereals which is for the time being in force by virtue of this section.

Textual Amendments

F15 S. 16(1)(1A) substituted for s. 16(1) by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(2)

F16 Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(3)

F17 S. 16(2A) inserted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(4)

F18 Words inserted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62, SIF 2:1), s. 16(2)

F19 Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), Sch. 3 para. 2(c)

F20 Words substituted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62, SIF 2:1), s. 16(1)

F21 Word substituted by S.I. 1979/26, reg. 2

Modifications etc. (not altering text)

C6 Unreliable marginal note

17 Offences in relation to scheme under s. 16.

- (1) Any person who fails to comply with the requirement imposed by or under a scheme in accordance with subsection (2) of the last preceding section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F22}level 3 on the standard scale] or to imprisonment for a term not exceeding three months or both.

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- (2) Returns or other information furnished to or obtained by any person in pursuance of such a requirement shall not be disclosed except—
- (a) with the written consent of the person by whom the information was furnished, or
 - (b) to a member, officer or servant of the Authority, or
 - (c) to any of the three Ministers mentioned in section 24(1) of this Act or an officer or servant appointed by one of those Ministers, or
 - (d) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or business to be ascertained from it, or
 - (e) for the purposes of any proceedings pursuant to this Act or of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise, or for the purposes of a report of any such proceedings.
- (3) Any person who—
- (a) in furnishing any information for the purposes of a scheme under the last preceding section, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, or
 - (b) wilfully makes a false entry in any document which is required to be produced in pursuance of any such scheme, or
 - (c) discloses any information in contravention of subsection (2) of this section,
- shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

Textual Amendments

F22 Words substituted (E.W.) (S.) (N.I.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 54**) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

Modifications etc. (not altering text)

C7 [S. 17\(2\)](#): disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)\(a\)](#), **Sch. 4 Pt. I para. 3**

C8 [S. 17\(2\)\(c\)](#) modified (21.11.2002) by [S.I. 2002/2843](#), **art. 6(5)** (with transitional provisions in [art. 10](#))

18 Reserve funds.

- (1) The Authority may establish and thereafter maintain a reserve fund for the purposes of their functions under Part I of this Act, . . . ^{F23}
- (2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Authority which are not for the time being required for any other purpose, may be invested in accordance with the next following subsection.
- (3) Sections 1, 2, 5, 6, 12 and 13 of the ^{M1}Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys,

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and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Authority were the trustees of that trust fund.

Textual Amendments

F23 Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

Marginal Citations

M1 [1961 c. 62\(98:4, 128\)](#).

19 Borrowing powers.

(1) Subject to the following provisions of this section, the Authority may borrow money and may pledge, mortgage or charge any of their property, including the proceeds of any levy under this Part of this Act.

(2) ^{F24}

Textual Amendments

F24 [Ss. 2–5, 8–11, 14, 15, 19\(2\)–\(4\)](#) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

Supplementary

20 Powers of Ministers.

(1) The Ministers, after consultation with the Authority, may give to the Authority such directions of a general character with respect to the performance of any functions of the Authority as appear to the Ministers to be requisite in the public interest; and it shall be the duty of the Authority to comply with any such directions.

[^{F25}(2) Any information obtained by the Intervention Board for Agricultural Produce may be disclosed to the Authority for the purpose of assisting them in collecting any levy imposed under this Act; and any such disclosure shall not be treated as a breach of contract, trust or confidence.]

Textual Amendments

F25 [S. 20\(2\)](#) substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [s. 5\(5\)](#)

21 Report and accounts of Authority.

(1) As soon as may be after the end of each accounting period the Authority shall prepare and submit to the Ministers a report on the discharge of their functions under this Act during that period, and the Ministers shall lay a copy of the report before each House of Parliament.

(2) The Authority shall keep proper accounts and shall prepare in respect of each of their accounting periods statements of account in such form as the Ministers, with

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the approval of the Treasury, may direct; and the accounts of the Authority for each accounting period shall be audited by auditors who are qualified accountants appointed for the purpose by the Authority.

- (3) As soon as may be after the accounts of the Authority 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.
- (4) Copies of reports and statements of account prepared by the Authority under this section shall be made available to the public at a reasonable price.
- (5) In this section—
- (a) “accounting period” means the period beginning with the establishment of the Authority and ending with such date falling not more than twelve months later as the Authority may determine, or any subsequent period of not more than fifteen months, beginning with the end of a previous accounting period, which the Authority may appoint, and
- (b) “qualified accountant” means a person who is a member, or a firm all of the partners wherein are members, of one or more of the following bodies, that is to say—

The Institute of Chartered Accountants in England and Wales;
The Institute of Chartered Accountants of Scotland;
The Association of Certified and Corporate Accountants;
The Institute of Chartered Accountants in Ireland;
Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of [^{F26}section 389(1)(a) of the ^{M2}Companies Act 1985 by the Secretary of State].

Textual Amendments

F26 Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

Marginal Citations

M2 1985 c. 6(27).

22 Prosecution of offences.

- (1) No proceedings for an offence under this Act shall be instituted in England or Wales except—
- (a) by the Authority, or
- (b) by, or with the consent of, the Director of Public Prosecutions.
- (2) No proceedings for an offence under this Act shall be instituted in Northern Ireland except—
- (a) by the Authority, or
- (b) by, or with the consent of, the Attorney General for Northern Ireland.
- (3) Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer

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of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (4) In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

23 Provisions as to schemes, orders and regulations.

- (1) Any scheme, order or regulations made under this Act may make different provision as to different kinds of home-grown cereals, or in relation to different parts of the United Kingdom, and may in any other respect make different provision in relation to different cases.
- (2) Any power to make an order or regulations under this Act shall be exercisable by statutory instrument.
- (3) Subject to the next following subsection, any statutory instrument containing an order or regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The last preceding subsection shall not apply to any order under section 7 of this Act of which, by virtue of subsection (3) of that section, a draft is required to be laid before Parliament, and shall not apply to any order under . . . ^{F27}, section 16 . . . ^{F27} of this Act.

Textual Amendments

F27 Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

24 Interpretation.

- (1) In this Act “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, and, in the case of anything falling to be done by the Ministers, means those three Ministers acting jointly, and “the appropriate Minister or Ministers”—
- (a) in relation to the whole of the United Kingdom, means those three Ministers, and, in the case of anything falling to be done by the appropriate Minister or Ministers, means those Ministers acting jointly;
- (b) in relation to the whole of Great Britain, means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland, and, in the case of anything falling to be done by the appropriate Minister or Ministers, means those two Ministers acting jointly;
- (c) in relation to England and Wales separately, means the Minister of Agriculture, Fisheries and Food;
- (d) in relation to Scotland separately, means the Secretary of State concerned with agriculture in Scotland; and
- (e) in relation to Northern Ireland separately, means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture

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in Northern Ireland, and, in the case of anything falling to be done by the appropriate Minister or Ministers, means those two Ministers acting jointly.

- (2) In this Act, except in so far as the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively, that is to say:—

...
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...
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...
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...

“functions” includes powers and duties, and any reference to the performance of functions shall be construed accordingly;

“home-grown cereals” means cereals grown in the United Kingdom and being either wheat, barley, oats, [F29 rye, maize [F30, triticale, rapeseed, linseed, soyabean or sunflower seed]];

...
F28
...

“related product” has the meaning assigned to it by section 1(10) of the M3 Agriculture and Horticulture Act 1964;

[F31 “wheat” includes durum wheat];

[F32 “year” means a period of twelve months beginning with the [F33 1st July] in any calendar year.]

- (3) Any reference in this Act to a kind of cereals (whether home-grown cereals or not) is a reference to one of the following kinds, that is to say, wheat, barley, oats, [F34 rye, maize [F35, triticale, rapeseed, linseed, soyabean and sunflower seed]].
- (4) In this Act any reference to delivery of cereals includes a reference to the despatch of cereals to the buyer under a contract of sale or on the instructions of such a buyer; and—
- (a) ... F36 any order under section 13 of this Act, may include provision whereby, for the purposes of the ... F36 order, home-grown cereals shall be treated as delivered in such circumstances (in addition to actual delivery or despatch) as may be specified in [F37 the order], ... F38
- (b) ... F38
- (5) In this Act any reference to a dealer in home-grown cereals is a reference to a person trading as a [F39 wholesale buyer or seller] of home-grown cereals, and any reference to a person who processes home-grown cereals is a reference to a person who applies an industrial process to home-grown cereals ... F40 in the course of a business carried on by him.
- (6) In this Act any reference to a part of the United Kingdom is a reference to one, or any two, of the three following, that is to say—
- (a) England and Wales;
- (b) Scotland;
- (c) Northern Ireland.
- (7) Except insofar as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Cereals Marketing Act 1965 (repealed) is up to date with all changes known to be in force on or before 17 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F28** Definition repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **Sch. 4**
- F29** Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 6(7)(a)(i)**
- F30** Words substituted by virtue of S.I. 1989/1200, **arts. 3, 4(1)(a)**
- F31** Words inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 6(7)(a)(ii)**
- F32** Words substituted by S.I. 1977/181, **reg. 2**
- F33** Words substituted by virtue of S.I. 1989/1200, **arts. 3, 4(1)(b)**
- F34** Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 6(7)(b)**
- F35** Words substituted by virtue of S.I. 1989/1200, **art. 4(2)(3)**
- F36** Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **Sch. 4**
- F37** Words inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 5(6)(a)**
- F38** Para. (b) together with the word “and” immediately preceding it repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 5(7)**
- F39** Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 5(6)(b)**
- F40** Words inserted by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62, SIF 2:1\)](#), **s. 16(3)** and repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **Sch. 4**

Modifications etc. (not altering text)

- C9** [S. 24\(2\)\(3\)](#) excluded by [Agriculture Act 1970 \(c. 40, SIF 2:1\)](#), **s. 107(2)**

Marginal Citations

- M3** [1964 c. 28\(2:1\)](#).

25 Short title and extent.

- (1) This Act may be cited as the Cereals Marketing Act 1965.
- (2) This Act extends to Northern Ireland.

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SCHEDULES

SCHEDULE 1

PROVISIONS AS TO HOME-GROWN CEREALS AUTHORITY

- 1 The Authority shall be a body corporate with perpetual succession and a common seal.
- 2 (1) It shall be within the capacity of the Authority as a statutory corporation to do such things and to enter into such transactions as are incidental or conducive to the performance of any of their functions.
- (2) Without prejudice to the generality of the preceding sub-paragraph, where in the performance of any of their functions the Authority render any services to any person they may make such charges in respect of those services as may be agreed between the Authority and that person.
- 3 For the purposes of the [^{F41M4}Restrictive Trade Practices Act 1976], the definition of “trade association” in [^{F41}section 43(1)] of that Act shall be construed as not including the Authority.

Textual Amendments

F41 Words substituted with saving by [Restrictive Trade Practices Act 1976 \(c. 34, SIF 124:1\)](#), s. 44, [Sch. 5](#)

Marginal Citations

M4 [1976 c. 34\(124:1\)](#).

- 4 The validity of any proceedings of the Authority shall not be affected by any vacancy among the members of the Authority or by any defect in the appointment of any of the members of the Authority.
- 5 (1) Subject to the following provisions of this paragraph, a member of the Authority, and the chairman and deputy chairman, shall hold and vacate office as such in accordance with the terms of his appointment.
- (2) If the chairman or deputy chairman ceases to be a member of the Authority, he shall also cease to be chairman or deputy chairman.
- (3) A member of the Authority may at any time, by notice in writing addressed to the secretary of the Authority, resign his membership, [^{F42}and in a case where there is another person eligible to be appointed as chairman, the chairman, and the deputy chairman] may, by the like notice, resign his office as such.

Textual Amendments

F42 Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 3 para. 2\(d\)](#)

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- 6 (1) A member of the Authority shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, disclose the nature of his interest at a meeting of the Authority as soon as possible after the relevant circumstances have come to his knowledge.
- (2) Any disclosure made by a member under the preceding sub-paragraph shall be recorded in the minutes of the Authority, and that member shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract, but may, nevertheless, be taken into account for the purpose of constituting a quorum of the Authority.
- 7 In the case of an equality of votes at any meeting of the Authority, the person who is chairman at that meeting shall have a second or casting vote.
- 8 Subject to paragraphs 6 and 7 of this Schedule, the Authority may determine their own quorum and procedure and the quorum and procedure of any committee of the Authority.
- 9 (1) The Authority may appoint a secretary and such other officers and such servants as the Authority may determine.
- (2) The Authority shall—
- (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may determine, and
- (b) as to any officers or servants in whose case the Authority may determine to do so, pay to or in respect of them such pensions and gratuities, or provide and maintain for them such pension schemes (whether contributory or not), as the Authority may with the approval of the Ministers determine.
- 10 (1) [^{F43}Subject to sub-paragraph (1A) below,] the Authority may appoint such advisory committees as they think fit, to consider such matters with which the Authority are concerned as the Authority may determine and to report on those matters to the Authority; and any such committee may include persons who are not members of the Authority.
- [^{F44}(1A) The Authority shall appoint a committee to determine programmes for and report on research and development in connection with home-grown cereals and shall, if the Ministers so direct, appoint a committee to determine programmes for and report on the encouragement of the marketing of such cereals.
- (1B) Different committees may be appointed under this paragraph in respect of different kinds of cereals.]
- (2) The Authority may pay to members of any such committee, who are not members of the Authority, such allowances as the Ministers may, with the approval of the Treasury, determine.

Textual Amendments

F43 Words inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [s. 4\(6\)\(a\)](#)

F44 Sub-para. (1A)(1B) inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [s. 4\(6\)\(b\)](#)

Modifications etc. (not altering text)

C10 [Sch. 1 para. 10\(2\)](#) continued (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

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11 The application of the seal of the Authority shall be authenticated by the signatures of two members of the Authority and of the secretary of the Authority or some other person authorised by the Authority to do so in his place.

12 F45

Textual Amendments

F45 Sch. 1 para. 12 repealed so far as applying in relation to disqualification for membership of the House of Commons by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), s. 10(2), [Sch. 3](#) and repealed so far as applying in relation to disqualification from membership of the Northern Ireland Assembly by [Northern Ireland Assembly Disqualification Act 1975 \(c. 25, SIF 29:3\)](#), s. 5(2), [Sch. 3 Pt. I](#)

SCHEDULE 2

. . . F46

Textual Amendments

F46 Sch. 2 repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

SCHEDULE 3

SUPPLEMENTARY PROVISIONS AS TO LEVIES

1 If at any time during a year it appears to the Authority that the amount determined by the Ministers under section 13(3) of this Act as the amount to be raised by levy for that year for the purposes of the Authority's functions under Part I . . . ^{F47} of this Act will fall short of the amount required to be so raised for that year, the Authority may prepare and submit to the Ministers an estimate (in this Schedule referred to as a "supplementary estimate") of the amount of the deficiency together with proposals as to—

- (a) the kinds of home-grown cereals in respect of which a supplementary levy should be raised, and
- (b) the apportionment of the amount specified in the supplementary estimate as between those kinds of home-grown cereals.

Textual Amendments

F47 Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

2 As soon as practicable after the submission to the Ministers of one or more supplementary estimates for any year, the Ministers shall—

- (a) determine what additional amount (if any) is to be raised by levy for that year for the purposes of the Authority's functions under Part I . . . ^{F48}

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- of this Act, and the kinds of home-grown cereals in respect of which a supplementary levy is to be raised for that year, and
- (b) apportion any amount so determined as between those kinds of home-grown cereals, and
 - (c) make an order for that year specifying, in respect of each of those kinds of home-grown cereals, such rate of supplementary levy as appears to the Ministers to be sufficient (but not more than sufficient) to meet any amount apportioned to that kind of home-grown cereals under this paragraph.

Textual Amendments

F48 Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

- 3 Where an order is made for any year under the last preceding paragraph, the provisions of [^{F49}section 16] of this Act shall have effect in relation to that year as if any reference in those provisions to the rate specified in relation to a kind of home-grown cereals in an order under section 13 of this Act were a reference to the aggregate of that rate and of the rate of supplementary levy specified in relation to that kind of home-grown cereals in the order under the last preceding paragraph.

Textual Amendments

F49 Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 3 para. 2\(e\)](#)

- [^{F50}4 For the purposes of sections 13 to 17 of this Act and of this Schedule a crop which consists of two or more kinds of home-grown cereals shall be treated as if it were a separate kind of home-grown cereals.]

Textual Amendments

F50 [Sch. 3 para. 4](#) substituted for [Sch. 3 paras. 4–6](#) by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [s. 5\(7\)](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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