



Cereals Marketing Act 1965

1965 CHAPTER 14

PART III

FINANCIAL AND SUPPLEMENTARY PROVISIONS

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.
- (2) Any information obtained by a government department in the administration of any cereals (guarantee payments) order may, for the purpose of assisting the Authority in the performance of their functions under Part I of this Act, or under this Part of this Act, be disclosed to the Authority; and any such disclosure shall not be treated as a breach of contract, trust or confidence.

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 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.

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- (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 section 161(1)(a) of the Companies Act 1948 by the Board of Trade.

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 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 section 8, section 16 or section 19 of this Act.

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 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 meanings hereby assigned to them respectively, that is to say:—
 - " cereals (guarantee payments) order " means an order under section 1 of the Agriculture Act 1957 which provides for payments to growers of home-grown cereals;
 - " deficiency payment " means a payment made in pursuance of any cereals (guarantee payments) order ;
 - " forward contract " means a contract of sale under which the date on which the cereals to which the contract relates are required to be delivered cannot fall within the month in which the contract is made or within the month immediately following that month;

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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 or rye;

" registered grower " means a person for the time being registered as a grower for the purposes of any cereals (guarantee payments) order;

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

" year " means a period of twelve months beginning with the 1st July in any calendar year, except that, in relation to any time when a different period is defined as a year for the purposes of a cereals (guarantee payments) order which is for the time being in force, it shall mean the period so defined.

- (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 and rye.
- (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) any scheme under Part I of this Act, and any order under section 13 of this Act, may include provision whereby, for the purposes of the scheme or order, home-grown cereals shall be treated as delivered in such circumstances (in addition to actual delivery or despatch) as may be specified in the scheme, and
 - (b) in relation to a scheme which includes such a provision, the reference in section 15(4) of this Act to cereals delivered in the relevant year shall be construed accordingly.
- (5) In this Act any reference to a dealer in home-grown cereals is a reference to a person trading as a wholesale buyer and 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 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 in so far 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.

25 Short title and extent

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