



Agriculture Act 1970

1970 CHAPTER 40

PART I

EGGS

Constitution and functions of Eggs Authority

2 Constitution of Eggs Authority

- (1) There shall be established an Authority, to be called the Eggs Authority, who shall have the general duty of improving the marketing of eggs and who shall, for the purposes of any period falling after 27th March 1971, in particular have the functions assigned to them by or under this Part of this Act.
- (2) The Authority shall consist of not less than twelve and not more than fourteen members appointed by the Ministers; and of those members—
 - (a) not less than three and not more than five shall be appointed as being independent persons, of whom—
 - (i) one shall be appointed as being a person who in the opinion of the Ministers is specially conversant with the interests of consumers of eggs;
 - (ii) two (neither being the member appointed pursuant to subparagraph (i) of this paragraph) shall also be appointed by the Ministers to be chairman and deputy chairman respectively of the Authority;
 - (b) five shall be appointed after consultation with such organisations appearing to the Ministers to represent the interests of producers as the Ministers consider appropriate;
 - (c) four shall be appointed after consultation with such organisations as the Ministers consider appropriate, being organisations appearing to the Ministers to represent the interests of persons engaged in activities comprised in the marketing, distribution or sale by retail of eggs, in activities ancillary to the production of eggs, being activities comprised in the hatching or rearing of

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domestic fowls, or in activities comprised in the production, marketing or distribution of egg products, or the use of egg products as materials for the purposes of manufacturing businesses carried on by the persons in question.

- (3) 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 Minister for the Civil Service, determine; and
 - (b) in the case of any member of the Authority to whom the Ministers, with the like approval, determine that this paragraph is to apply, pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the Ministers and the Minister for the Civil Service may determine in his case.
- (4) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority.

3 Functions of Authority as to market support

If in the case of any accounting period it appears to the Authority to be expedient in the interests of producers and consumers of eggs so to do with a view to reducing fluctuations in the price of eggs—

- (a) they may at any time during that accounting period purchase eggs at such prices and in such manner as they think fit; and
- (b) where they have so purchased any eggs, they may deal with those eggs in such manner as they think fit, and, without prejudice to the generality of their discretion as to the manner of dealing with those eggs, may in particular—
 - (i) sell them to any person for any purpose ;
 - (ii) process them, or arrange for their processing by some other person on the Authority's behalf, and sell the resulting egg products ;
 - (iii) make such provision for their storage or transport, whether by the Authority themselves or by some other person on the Authority's behalf, as the Authority consider necessary or expedient.

4 Functions of Authority as to market intelligence

- (1) The Authority may—
- (a) collect, collate or prepare information or estimates with respect to—
 - (i) prices, supply, demand and other market conditions (whether actual or prospective) relating to eggs or egg products, including imported eggs and imported egg products; and
 - (ii) activities ancillary to the production of eggs, being activities comprised in the hatching or rearing of domestic fowls or the disposal of domestic fowls at end of lay ; and
 - (b) subject to section 21 of this Act, 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 Part of this Act;
- and in publishing or disseminating any such information or estimates the Authority may include recommendations as to prices (other than retail prices) which would in their opinion be appropriate in selling eggs otherwise than by retail having regard to any prices specified in the information or estimates.

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- (2) If the Authority consider it desirable for the purpose of their functions under subsection (1) of this section, they may prepare and submit to the Ministers a scheme for requiring persons of such classes as may be specified in the scheme who are engaged by way of business in activities comprised in the production, marketing or distribution of eggs or egg products, or in activities ancillary to the production of eggs and comprised in the hatching or rearing of domestic fowls, to register with the Authority in accordance with the requirements of the scheme and to comply with any requirements in the scheme regarding the supply to the Authority of information as to the quantities and prices of eggs purchased by those persons from producers or sold by those persons otherwise than by retail, as to the numbers of domestic fowls hatched, reared or disposed of at end of lay by those persons in the course of activities ancillary to the production of eggs, and as to the prices at which any such fowls have been sold by those persons, and any such scheme may—
- (a) vary or revoke any scheme previously brought into force under this subsection; and
 - (b) contain such supplemental, incidental or transitional provisions as appear to the Authority to be expedient, including in particular provision—
 - (i) conferring exemptions from requirements of the scheme;
 - (ii) for persons contravening or failing to comply with the requirements of the scheme to be guilty of an offence against the scheme ; and
 - (iii) for a person guilty of such an offence to be liable on summary conviction to a fine not exceeding a specified amount, being an amount not exceeding £100;
- and if the Ministers are satisfied that it is desirable that any such scheme submitted to them should be brought into force, they may bring it into force by order.
- (3) The Ministers may by order revoke any scheme brought into force under subsection (2) of this section if it appears to them, after consultation with the Authority, that the scheme is not serving the purposes for which it was made or that the continued operation of the scheme would be contrary to the public interest; and any such order may contain such supplemental, incidental or transitional provisions as appear to the Ministers to be expedient.
- (4) Any order under subsection (2) or (3) of this section may revoke any order previously made under the said subsection (2).

5 Functions of Authority as to research and development

The Authority may engage in the promotion or carrying out of—

- (a) investigations or research into any matters affecting the marketing, storage or distribution of eggs or egg products or the processing of eggs ;
- (b) research into the demand for eggs or egg products and into matters connected therewith, including the collection and analysis of information as to that demand and as to the prices paid for eggs or egg products, including imported eggs and imported egg products, and the effect of price changes on the level of supplies;
- (c) the dissemination or demonstration of "the results of any investigation or research into any such matter as aforesaid, whether or not the Authority have exercised any functions under paragraph (a) or (b) of this section with respect to that investigation or research ;

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and the Authority may engage in any form of collaboration or co-operation with other persons in performing any of their functions under this section, and shall enter into such consultations with other authorities and persons as appear to the Authority to be required to ensure that duplication of such research or investigations as aforesaid is avoided so far as practicable.

6 Functions of Authority as to quality control

(1) The Authority may prepare and submit to the Ministers schemes with respect to the quality testing or weight grading of eggs for sale by wholesale, and any such scheme may in particular—

- (a) specify the class or classes of persons to whom the requirements of the scheme are to apply;
- (b) provide for the registration of such persons with the Authority;
- (c) specify quality standards or weight grades and assign designations to those standards or grades;
- (d) provide for eggs for sale otherwise than by retail or any containers in which eggs are packed for such sale to be marked with the appropriate quality or weight designation, with or without an indication of the date on which the eggs were packed after being tested or graded;
- (e) vary or revoke any scheme previously brought into force under this subsection ;
- (f) contain such supplemental, incidental or transitional provisions as appear to the Authority to be expedient, including in particular provision—
 - (i) conferring exemptions from requirements of the scheme;
 - (ii) for persons contravening or failing to comply with requirements of the scheme to be guilty of an offence against the scheme ;
 - (iii) as to the circumstances in which warranty or other matters are to be a defence for a person charged with such an offence ;
 - (iv) for a person guilty of such an offence to be liable on summary conviction to a fine not exceeding a specified amount, being an amount not exceeding £100 or, in the case of a second or subsequent offence, £200;
 - (v) conferring powers of entry for the purposes of the scheme on authorised officers;

and if the Ministers are satisfied that it is desirable that any such scheme submitted to them should be brought into force, they may bring it into force by order.

- (2) The Ministers may by order revoke any scheme brought into force under subsection (1) of this section if it appears to them, after consultation with the Authority, that the scheme is not serving the purposes for which it was made or that the continued operation of the scheme would be contrary to the public interest; and any such order may contain such supplemental, incidental or transitional provisions as appear to the Ministers to be expedient.
- (3) Any order under subsection (1) or (2) of this section may revoke any order previously made under the said subsection (1).
- (4) In section 2(4) of the Trade Descriptions Act 1968 (which provides that certain descriptions or marks shall be deemed not to be trade descriptions for the purposes of that Act), the word " and " in the last place where it occurs shall be omitted and at the

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end there shall be added the words " and any designation, mark or description applied in pursuance of a scheme brought into force under section 6(1) or an order made under section 25(1) of the Agriculture Act 1970 ".

7 Other functions of Authority as to improvement of marketing of eggs

(1) The Authority—

- (a) may devise and disseminate, or otherwise encourage the adoption of, new, improved or standardised arrangements for, or procedures or forms for use in connection with, the production, marketing or preparation for marketing of eggs ;
- (b) if it appears to them that a scheme with respect to any matter would improve the marketing of eggs, whether by the improvement of quality standards or otherwise, may prepare such a scheme and bring it into operation for any persons prepared to take part in it;
- (c) may give advice and information to the Central Council for Agricultural and Horticultural Co-operation—
 - (i) on matters relating to the commercial and technical aspects of the marketing of eggs ; and
 - (ii) for the purpose of assisting the Council in deciding whether to make grants in aid of co-operative activities in the marketing of eggs.

- (2) The Ministers may, after consultation with the Secretary of State for Employment and Productivity, direct that any agreement specified in the direction, being an agreement submitted to them in draft into which the Authority propose to enter in connection with a scheme made by virtue of subsection (1)(b) of this section, shall be an agreement to which Part I of the Restrictive Trade Practices Act 1956 does not apply.

8 Functions of Authority as to advertising etc.

The Authority may—

- (a) for the purpose of promoting the sale of eggs, engage in advertising or other methods of promoting such sales;
- (b) assist in co-ordinating any advertising campaigns undertaken by or on behalf of any class of persons engaged in the production, marketing or distribution of eggs or the sale of eggs by retail.

9 Conferment of additional functions on Authority

- (1) If it appears to the Ministers, after consultation with the Authority, that for the purpose of improving the marketing of eggs it is expedient for the Authority to perform any functions additional to those conferred by the foregoing provisions of this Part of this Act, and that those additional functions neither—
- (a) consist wholly or in part of the buying or selling of eggs or egg products except in so far as such buying or selling may be requisite for the purposes of research or other experimental work or for purposes of demonstration; nor
 - (b) are similar in character to functions conferred on the Authority by section 8 of this Act,

then, subject to subsection (2) of this section, the Ministers may, if they think fit, confer those additional functions on the Authority for that purpose by order; and any order under this subsection may be varied or revoked by a subsequent order thereunder.

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- (2) An order under subsection (1) of this section, other than an order in the case of which—
- (a) so far as it confers additional functions on the Authority otherwise than by varying a previous order, the Ministers certify that, in their opinion, all the additional functions so conferred are similar in character to functions conferred on the Authority by sections 4 to 7 of this Act; or
 - (b) so far as it varies a previous order, 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 as aforesaid; or
 - (c) so far as it revokes any previous order without itself conferring any functions on the Authority, a certificate under this section was given under the previous order,

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.

10 Functions of Authority to include power to make certain payments to other persons

The functions conferred on the Authority by or under any of sections 3 to 9 of this Act shall include power for the Authority—

- (a) to make payments to any person for the purpose of promoting, procuring or facilitating the attainment of the objects of the functions conferred on the Authority by or under that section; or
- (b) to make provision for reimbursing any person, whether by making payments to him or by deduction from amounts which would otherwise fall to be paid by him to the Authority, for expenditure incurred by him in assisting the Authority in the performance of any of the functions conferred on the Authority by or under that section;

and any amount so paid or deducted shall be treated for the purpose of this Part of this Act as expenditure incurred by the Authority under, and for the purposes of the functions conferred on them by or under, that section.

11 Functions of Authority in connection with guaranteed prices

- (1) As respects any period beginning on or after 28th March 1971 and ending not later than 30th March 1974, it shall be the duty of the Authority to carry out such functions as the Ministers may confer on the Authority in connection with any arrangements in force during that period by virtue of an order under section 1 or 5 of the Agriculture Act 1957 with respect to eggs and duck eggs, but not including any functions conferred on the Ministers or any of them by or under an Act of Parliament other than functions which the Ministers may delegate under section 9(4) of the said Act of 1957 or any other enactment.
- (2) So far as relates to eggs and duck eggs, in subsection (1)(d) of the said section 5 (which relates to powers of entry in connection with such arrangements as aforesaid) references to authorised officers of the Minister shall include references to authorised officers of the Authority.
- (3) Any information obtained by the Ministers or any of them in the administration of any such order as aforesaid may, for the purpose of assisting the Authority in the performance of their functions under this section, be disclosed to any person who

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is either an independent member of the Authority or an authorised officer of the Authority, and any such disclosure shall not be treated as a breach of contract, trust or confidence.