



# Hops Marketing Act 1982

## 1982 CHAPTER 5

### **1 Revocation of Hops Marketing Scheme.**

- (1) Subject to the provisions of this Act—
  - (a) the Hops Marketing Scheme 1932 (in this Act referred to as " the Scheme "); and
  - (b) the orders under the Agricultural Marketing Act 1958 set out in the Schedule to this Act (by which the Scheme and the amendments to it were approved),are hereby revoked.
- (2) Subsection (1) above shall come into force on such day (in this Act referred to as " the appointed day ") as the Minister of Agriculture, Fisheries and Food may appoint by an order made by statutory instrument.
- (3) Paragraph 6 of Schedule 1 to the said Act of 1958 and paragraph 6(2) of Schedule 2 to that Act (which contain savings where a scheme is revoked under that Act) shall have effect on the revocation of the Scheme by this section as if it had then been revoked under that Act.

### **2 Succession to rights etc. of Hops Marketing Board.**

- (1) The Hops Marketing Board (in this Act referred to as " the Board") shall cause a poll of the producers registered under the Scheme to be taken on the question whether the property, rights and liabilities of the Board should on the appointed day be transferred to such person or persons respectively as may be specified by the Board in the voting paper for the poll.
- (2) If—
  - (a) the result of the poll under subsection (1) above shows that the requisite majority of registered producers is in favour of the proposal that the property, rights and liabilities of the Board should be transferred as mentioned in that subsection; and
  - (b) at any time before the appointed day a resolution is passed by the Board incorporating the terms of that proposal and confirming the Board's approval of it,

the property, rights and liabilities of the Board shall on that day and by virtue of this Act become the property, rights and liabilities of such person or persons respectively as are specified in the resolution.

- (3) In subsection (2)(a) above " the requisite majority " means a majority comprising—
  - (a) not less than two-thirds of the total number of registered producers voting on the poll; and
  - (b) such number of registered producers as are together capable of producing not less than two-thirds of the quantity of hops produced in England which all the registered producers voting on the poll are together capable of producing.
- (4) Paragraphs 25(b), 25A to 29 and 79 of, and the First Schedule to, the Scheme shall apply in relation to the poll under subsection (1) above as they apply in relation to polls held under the Scheme, except that the reference in paragraph 29(2) to the number of registered producers voting in favour of or against the amendment or revocation of the Scheme shall be construed as a reference to the number of registered producers voting in favour of or against the proposal that the property, rights and liabilities of the Board should be transferred as mentioned in subsection (1) above.
- (5) The Board shall cause the poll under subsection (1) above to be taken as soon as practicable after the passing of this Act, and if the result of the poll under that subsection is such that subsection (2) (a) above does not apply, the Board may at any time before the appointed day cause a further poll or polls of registered producers to be taken under this section; and subsections (1) to (4) above shall apply in relation to any such further poll as if it were the poll required to be taken under subsection (1) above.
- (6) Nothing in section 47(2) of the Agricultural Marketing Act 1958 (restriction on disclosure of information) shall preclude the disclosure of any information reasonably required by a person in connection with any property, rights or liabilities transferred to him by virtue of this Act.
- (7) For the purposes of the Employment Protection (Consolidation) Act 1978 there shall be deemed to have been no break in the employment of any person who is transferred by virtue of this Act from the employment of the Board to that of another person.

### **3 Forward contracts of the Board.**

- (1) Where a resolution is passed by the Board as mentioned in section 2(2) (6) above, the provisions of this section shall have effect on and after the appointed day with respect to contracts to which subsection (2) below applies.
- (2) Without prejudice to the effect of subsection (2) of section 2 above, any offer of hops made to and accepted by the Board before the appointed day under a Forward Contract Plan established by them for a crop season after 1980 shall be treated as having been made to and accepted by such person as is specified in that behalf in the resolution mentioned in paragraph (b) of that subsection.
- (3) The relevant provisions of the Scheme shall, notwithstanding section 1 above, continue to apply so far as necessary for giving effect to any contract to which subsection (2) above applies, references to the Board in those provisions and in the Forward Contract Plan in question being construed, as respects anything falling to be done on or after the appointed day, as references to the person referred to in that subsection.

- (4) Where a contract to which subsection (2) above applies relates to a crop season before 1984, the hops which the producer shall be required to consign under the contract in the case of any variety of hops offered by him are—
- (a) if the offer specified a maximum sales quantity for that variety, all the hops of that variety produced by him in that season up to that quantity, or up to such revised maximum sales quantity as may be subsequently specified by the producer with the consent of the Board given before the appointed day or with the consent of the person referred to in subsection (2) above given on or after that day ; or
  - (b) if the offer did not specify a maximum sales quantity for that variety, all the hops of that variety so produced by him up to the quantity specified in the offer as the producer's expected production quantity, or up to such revised expected production quantity as may be subsequently specified as aforesaid ;
- but nothing in this subsection shall require a producer to consign a quantity of hops of any variety in excess of the quantity of those hops actually produced by him in the season in question.
- (5) In this section—
- " Forward Contract Plan " means a Plan within paragraph 3(4)(b) of the Fourth Schedule to the Scheme ; and
  - " the relevant provisions of the Scheme " means paragraphs 19, 37, 51 to 58, 75, 76, 78 and 79 of, and the Second and Fourth Schedules to, the Scheme.

#### **4 Winding up and dissolution of the Board.**

- (1) No general election of members of the Board shall be held under paragraph 7 of the Scheme after the passing of this Act, and the term of office of any member of the Board or of any committee appointed under paragraph 10 of the Scheme shall, instead of expiring at any other time, expire at such time as the Board are dissolved under subsection (7) below or in consequence of being wound up under subsection (8) below.
- (2) Where a resolution is passed by the Board as mentioned in section 2(2)(b) above, subsections (3) to (7) below shall have effect on and after the appointed day with respect to the Board, and notwithstanding section 1 above—
- (a) paragraph 32 of the Scheme (which relates to accounts, audit and reports) shall continue to have effect on and after that day in relation to the Board so as to require them to comply with the provisions of that paragraph in respect of their financial year which ends (or is by virtue of subsection (3) or (4) below deemed to end) immediately before that day and, in so far as those provisions have not already been complied with in respect thereof, in respect of any preceding financial year; and
  - (b) Part II of the Scheme shall accordingly continue to have effect in relation to the Board (subject to subsection (1) above) until such time as the Board are dissolved under subsection (7) below.
- (3) Subject to subsection (4) below, if the appointed day is other than 1st April, the Board's financial year then current shall be deemed to have ended with the day before the appointed day.
- (4) If the appointed day falls on or after 2nd April but before 2nd July in any year, the Board's financial year which would apart from this section have ended on the

preceding 31st March shall instead be deemed to have ended with the day before the appointed day.

- (5) The Board shall have all such powers as are necessary for the performance of their duties under paragraph 32 of the Scheme or for otherwise winding up their affairs, including, in particular, power to make arrangements with any person for the use by the Board of the services of a person whose contract of employment has been transferred to that person pursuant to a resolution under section 2(2) (b) above, or for the use of any office accommodation which has been so transferred.
- (6) Any expenses incurred by the Board on or after the appointed day under the preceding provisions of this section shall be defrayed by the person in whom the fund established under paragraph 30 of the Scheme has vested in accordance with section 2(2) above (or if it has so vested in more than one person, by those persons rateably according to the proportions in which it has so vested in them).
- (7) As soon as the Minister of Agriculture, Fisheries and Food is satisfied that the requirements of paragraph 32 of the Scheme have been complied with on the part of the Board in respect of their financial years up to and including the one ending immediately before the appointed day, and on being notified by them that they have wound up their affairs, the Minister shall, after consulting the Board, make an order by statutory instrument dissolving the Board on such day as is specified in the order.
- (8) If no resolution is passed by the Board as mentioned in section 2 (2) (b) above the said Minister shall present a petition for the winding up of the Board in accordance with the Scheme and Schedule 2 to the Agricultural Marketing Act 1958; and if, in the event of the Board being so wound up, any assets of the Board remain after the discharge of their debts and liabilities and the payment of the costs and expenses incurred in the winding up, those assets shall be distributed to the producers who would have been by virtue of paragraph 5 of that Schedule liable to contribute in the winding up, and shall be so distributed in proportion to their respective liabilities in that behalf.

## **5 Short title and interpretation.**

(1) This Act may be cited as the Hops Marketing Act 1982.

(2) In this Act—

"the appointed day" means the day appointed by the Minister under section 1(2) above ;

" the Board " means the Hops Marketing Board ;

" the Scheme " means the Hops Marketing Scheme 1932.