



# Agricultural Marketing Act 1958

## 1958 CHAPTER 47

### PART I

#### AGRICULTURAL MARKETING SCHEMES

##### *Agricultural Marketing Reorganisation Commissions*

#### **26 Constitution and functions of Agricultural Marketing Reorganisation Commissions**

- (1) The Minister may constitute one or more Agricultural Marketing Reorganisation Commissions for Great Britain and Northern Ireland, for Great Britain, for England, Wales and Northern Ireland, for Scotland and Northern Ireland, for England and Wales and for Scotland, which shall, if the Minister so directs, be charged with the duty of preparing, in accordance with the provisions of this Act, schemes (applicable respectively in Great Britain and Northern Ireland, in Great Britain, in England, Wales and Northern Ireland, in Scotland and Northern Ireland, in England and Wales only and in Scotland only) for regulating the marketing of such agricultural products as the Minister may direct; and an Agricultural Marketing Reorganisation Commission constituted under this section is hereafter in this section referred to as a " Commission " .
- (2) Where any scheme has been prepared by a Commission, the Minister shall take such steps as he thinks fit to bring the scheme to the notice of the producers concerned.
- (3) A Commission may, and shall, if the Minister so directs, investigate any matter affecting the operation of a scheme prepared or in the course of preparation by them, and shall, if the Minister so directs, investigate any matter affecting the operation of any other scheme, and may, and shall in a case where the Minister has directed the investigation to be held, make such recommendations with respect to the matter investigated as they think expedient, and in particular, but without prejudice to the generality of the foregoing provisions, a Commission may, and shall, if the Minister so directs—

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*Status: This is the original version (as it was originally enacted).*

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- (a) investigate the extent to which the operation of the scheme can be facilitated by co-operation between the board and other persons, and make such recommendations as the Commission think expedient for promoting such co-operation;
- (b) investigate the extent to which the operation of the scheme is or will be hampered by the fact that facilities for producing commodities from the product to which the scheme relates or for distributing that product or commodities produced therefrom are inadequate, and make such recommendations as the Commission think expedient for securing the improvement of those facilities, either by co-ordinating undertakings engaged in providing those facilities or otherwise;

and where any recommendations have been made under this subsection, the Minister shall take such steps as he thinks fit to bring the recommendations to the notice of persons concerned.

- (4) Every Commission shall consist of a chairman and four other members appointed by the Minister.
- (5) Every Commission may hold such inquiries as they consider necessary or desirable for the discharge of their functions under this section.
- (6) If a Commission report to the Minister—
  - (a) that it is necessary for the discharge of their functions under this section that they should inquire into a definite matter specified in the report, being a matter relating to the place of origin, use, channels of distribution or destination of any agricultural product or of any commodity produced from such a product, or to the quantity of any such product or commodity which is being or has been produced, sold or otherwise dealt with, and
  - (b) that they have reason to believe that information with respect to that matter is being, or is likely to be, withheld,

the Minister may make an order providing that, in respect of any meeting of the Commission held for the purpose of inquiring into that matter, at which not less than three members of the Commission are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if the Commission were a tribunal established in manner provided by that Act, and as if that Act had been applied thereto in manner thereby provided.

- (7) Where the Tribunals of Inquiry (Evidence) Act, 1921, is applied to a Commission in pursuance of the last foregoing subsection, the Commission shall, notwithstanding anything in paragraph (a) of section two of that Act, refuse to allow the public, or any portion of the public, to be present while any evidence is being given by any witness summoned before the Commission under that Act as so applied.
- (8) A draft of an order under subsection (6) of this section shall be laid before Parliament.

## **27 Functions of Agricultural Marketing Reorganisation Commission for Scotland may be discharged by other bodies**

- (1) The Secretary of State, in lieu of constituting an Agricultural Marketing Reorganisation Commission for Scotland, may by order provide for the vesting of any powers and duties conferred on Agricultural Marketing Reorganisation Commissions by this Act in an existing organisation formed for the purpose of promoting agricultural co-operation in Scotland, or in the governing body of such an organisation:

Provided that no such order shall be made without the consent of the organisation to which it relates.

- (2) An order under this section may direct that all or any of the provisions of this Act relating to Agricultural Marketing Reorganisation Commissions shall apply to the organisation to which the order relates or to the governing body thereof, subject to such modifications as may be prescribed by the order, and may, with the approval of the Treasury, direct that the expenses incurred by the organisation or governing body in carrying out any powers or duties imposed on it by the order shall, in lieu of being met in the manner provided by this Act with regard to the said Commissions, be met out of an annual grant to the organisation or governing body of such amount as may from time to time be determined by the Treasury, and any such grant shall be defrayed out of moneys provided by Parliament.
- (3) No order under this section shall come into operation until after it has lain before each House of Parliament for a period of twenty days on which that House has sat, and if within that period either House of Parliament by resolution disapproves the order, the order shall be null, without prejudice, however, to the making of a new order.
- (4) In this section "governing body", in the case of a society registered under the Industrial and Provident Societies Acts, 1893 to 1954, means the committee of management or other directing body of the society and, in the case of a company registered under the Companies Act, 1948, means the directors.