



# Agricultural Marketing Act 1958

## 1958 CHAPTER 47

### PART I

#### AGRICULTURAL MARKETING SCHEMES

*Submission and approval of schemes and procedure  
for determining whether scheme to remain in force*

- 4 Registration of producers and taking of poll of registered producers on question whether scheme to remain in force**
- (1) Every scheme shall provide for the registration of any producer who makes application for that purpose.
  - (2) Every scheme, other than a substitutional scheme, shall require a poll of the registered producers to be taken, within such time as may be specified in the scheme, on the question whether the scheme shall remain in force.
  - (3) If the poll aforesaid shows that the requisite majority of registered producers has voted in favour of the scheme remaining in force, the provisions of the scheme, the operation of which is suspended (under the provisions hereafter contained in this Part of this Act) until the expiration of the suspensory period, shall come into force at the expiration of that period, but in any other case the scheme shall cease to have effect at the date on which the result of the poll is declared, and the provisions of paragraph 6 of the First Schedule to this Act, and of sub-paragraph (2) of paragraph 6 of the Second Schedule thereto, shall apply as if the scheme had been revoked:

Provided that, if it is proved to the satisfaction of the Minister at any time before the expiration of the suspensory period that the number of producers voting on the poll was less than half the total number of producers (excluding producers exempted, or entitled to exemption, from registration by or under the provisions of the scheme), he shall forthwith by order revoke the scheme.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Every scheme shall provide for the manner in which polls are to be taken for the purposes of this Act, and in particular but without prejudice to the generality of the foregoing provision—
- (a) may apply with any necessary modifications any enactments (including the penal provisions thereof) relating to parliamentary or local government elections and to the prevention of corrupt and illegal practices thereat;
  - (b) may prescribe the manner in which the quantity of the regulated product which any registered producer is capable of producing is to be determined for the purposes of the poll;
  - (c) may prescribe the information relating to the regulated product which is to be furnished by every registered producer before or at the time of voting, and the manner in which the information is to be furnished, and may require the rejection of the vote of any producer who fails to furnish the prescribed information in the prescribed manner, and may impose penalties for furnishing false information ;
  - (d) shall prescribe the manner in which the result of the poll is to be declared and published.
- (5) In the case of a scheme regulating the marketing of two or more separate products, the foregoing provisions of this section shall apply subject to the following modifications, that is to say:—
- (a) references to a poll on the question whether the scheme shall remain in force shall be construed as; references to a poll, in respect of each product, on the question whether the scheme shall remain in force so far as it applies to that product;
  - (b) subsection (3) shall apply, in relation to each poll, as if the provisions of the scheme, so far as they apply to the product in respect of which the poll is taken, were a separate scheme.

The question whether any product is to be treated as a separate product for the purpose of this subsection shall be determined by the provisions of the scheme.

- (6) For the purposes of subsections (2) and (3) of this section, a person who is registered as a producer notwithstanding that he has been exempted from registration by or under the provisions of the scheme shall not be deemed to be a registered producer.
- (7) Registration under a scheme of the name or style under which two or more persons carry on business in partnership as producers shall operate as the registration of all the partners for the time being, so, however, that for the purposes of those provisions of this Act and of the scheme which relate to elections, polls and voting at meetings, and to the assessment of contributions on registered producers, all the partners shall be treated as constituting together a single registered producer.