



Agricultural Produce (Grading and Marking) Act 1928

1928 CHAPTER 19

Grading of Agricultural Produce

1 Prescription and use of grade designations

- (1) The Minister may by regulations made under this Act prescribe such designations (in this Act referred to as " grade designations") as he may consider appropriate to indicate the quality of any articles of agricultural produce, and any such regulations shall contain a definition (in this Act referred to as " the statutory definition ") of the quality indicated by every grade designation thereby prescribed.
- (2) Where any person sells any article of agricultural produce to which a grade designation is applied, then, notwithstanding any contract or notice to the contrary, it shall be deemed to be a term of the contract of sale that the quality of the article accords with the statutory definition indicated by the grade designation.
- (3) For the purposes of this Act, a grade designation shall be deemed to be applied to an article if it is used by or on behalf of the vendor, when the article is sold or delivered or exposed or offered for sale, in any manner calculated to lead to the belief that the quality of the article in connection with which it is used accords with the statutory definition indicated by the grade designation.

2 Grade designation marks

- (1) Regulations made by the Minister under this Act may prescribe such mark (in this Act referred to as a " grade designation mark ") as he may consider appropriate to represent any grade designation, and may make provision for authorising, or empowering any person or body of persons to authorise, subject to such conditions as may be attached to the authorisation, the marking with a grade designation mark of any article in respect of which such a mark has been prescribed or of any covering containing, or label attached to, any such article.

Status: This is the original version (as it was originally enacted).

- (2) Any person who sells or delivers or exposes or offers for sale any article marked with a grade designation mark, or who uses any covering or label so marked, whether the article, covering or label was so marked by him or by some other person, shall be deemed for the purposes of the last foregoing section to use, in connection with the article marked or in connection with any article which is contained in the covering or to which the label is attached, as the case may be, the grade designation represented by the mark.
- (3) Any person who—
- (a) forges any grade designation mark; or
 - (b) makes, disposes of, or has in his possession, any die, block, machine, or other instrument, for the purpose of forging a grade designation mark; or
 - (c) uses in connection with any article any mark so nearly resembling a grade designation mark as to be calculated to deceive;
- shall, unless he proves that he acted without intent to defraud, be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both imprisonment and fine.
- (4) No person shall mark any article, covering or label with a grade designation mark unless he is authorised to do so by or under regulations made under this Act, and any person who acts in contravention of this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds.