



# Agricultural Marketing Act (Northern Ireland) 1964

## 1964 CHAPTER 13

### POWERS OF THE MINISTER AND THE MINISTRY

#### **14 Directions by Minister to boards as respects certain matters.**

- (1) This section shall have effect with respect to any powers exercisable by a board by virtue of any provision of a scheme providing for any of the following matters, that is to say—
- (a) for empowering the board to buy the regulated product, to produce such commodities the whole or a main ingredient of which is derived from that product as may be specified in the scheme and to sell the regulated product and any such commodities;
  - (b) for the determination from time to time—
    - (i) of the quantity of the regulated product or of any description thereof which may be sold by any producer;
    - (ii) of the descriptions of the regulated product which may be sold by any producer;
    - (iii) of the price at, below or above which, the terms on which, and the persons to whom, or through the agency of whom, the regulated product, or any description or quantity thereof, may be sold by any producer;
  - (c) <sup>F1</sup>for empowering the board to enter into agreements with buyers of the regulated product or their representatives concerning the prices at which and the terms on which the regulated product shall be sold by the board;

and references in the following provisions of this section to acts or omissions of the board shall be construed as references to acts or omissions of the board in the exercise of any of the said powers.

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- (2) Subject to the provisions of this section, if it appears to the Minister that the result, or one of the results, of any act or omission of the board or intended act or omission of the board is or will be ...<sup>F2</sup>
- (a) to restrict the purposes for which the regulated product or any description thereof is used, or to limit the quantity of the regulated product, which is used for any particular purpose; or
  - (b) to limit the quantity of the regulated product or of any description thereof, or of any commodity produced therefrom, which is produced or sold, whether by producers or by other persons; or
  - (c) to regulate the price at which the regulated product, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by producers or by other persons; or
  - (d) to limit the classes of persons to whom or through the agency of whom the regulated product, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by producers or by other persons;

and that that result is or will be contrary to the public interest, the Minister may by order give to the board such directions as to their acts or omissions as he considers necessary or expedient for the purpose of preventing that result or, as the case may be, preventing or mitigating the damage to the public interest entailed thereby, and it shall be the duty of the board to comply with that order.

- (3) Before making an order under subsection (2) the Minister shall give to the board notice in writing stating the general nature of the action which he proposes to take and of his reasons for taking it, and shall not make any order under that subsection for at least twenty-eight days after the date of the notice.
- (4) If within the said period of twenty-eight days or such longer period as the Minister may allow the board make representations to the Minister regarding the action which he proposes to take, the Minister shall not make an order under subsection (2) until he has considered such representations.
- (5) The Minister may at any time, after consultation with the board, by order revoke or vary any order in force under subsection (2) so as either—
- (a) to withdraw the whole or any part of the directions in force thereunder; or
  - (b) to vary or add to those directions in any manner which he thinks necessary or expedient in order better to attain the purposes for which those directions were given;

but the Minister shall not, except with the consent of the board, vary or add to any directions under paragraph ( b ) where, in his opinion, the need for the variation or addition arose from circumstances not obtaining at the date when the directions were given.

**F1** 1968 c.34

**F2** 1975 NI 8

## 15 Temporary directions by Minister.

- (1) Where the Minister gives any such notice as is provided for by section 14(3), the Minister, if he considers it necessary to take immediate action for the purpose of preventing injury to the public interest from any change made or intended to be made by the board in their course of action in any matter relevant to the subject of the notice,

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may, at or after the time of the giving of the notice, make a temporary order giving to the board such directions as to their course of action in that matter as he may think necessary for that purpose, and it shall be the duty of the board to comply with the order.

- (2) A temporary order under this section made by the Minister in connection with the giving of such a notice as is provided for by section 14(3) shall be limited so as to expire on such date as may be specified in the order, not being later than four months from the date of the making thereof.
- (3) An order amending or altering a temporary order under this section shall not extend the duration thereof beyond the period prescribed by subsection (2).

## **16 Savings for effect of sections 14 and 15 and provisions as to orders thereunder.**

- (1) Nothing in section 14 or section 15 shall be construed as authorising or requiring a board to do anything that they are not lawfully empowered to do.
- (2) An order made under any of the provisions of section 14 or section 15 shall state the general nature of the reasons for the making thereof.

## **17 Power of the Ministry to make regulations and orders.**

- (1) The Ministry may by regulations make such provision as appears to the Ministry to be necessary for all or any of the following purposes:—
  - (a) for giving full effect to this Act;
  - (b) for regulating the removal from Northern Ireland into Great Britain of any agricultural product the marketing of which is regulated by a scheme for the time being in force under this Act or under the United Kingdom Act, the quantity of the product or any description thereof which may be so removed, and the descriptions of the product which may be so removed, and in particular (without prejudice to the generality of the foregoing provision of this paragraph) for the following matters:—
    - (i) the registration of persons carrying on business in Northern Ireland as dealers in the regulated product;
    - (ii) the exemption from registration of such classes of persons carrying on business as aforesaid as the regulations may specify;
- <sup>F3</sup>(ba) for regulating or prohibiting the movement in, or in any part of, Northern Ireland of any agricultural product the marketing of which is regulated by a scheme for the time being in force under this Act, for prescribing the quantity of the product or any description thereof which may or may not be so moved and the descriptions of the product which may or may not be so moved, and in particular (without prejudice to the generality of the foregoing provisions of this paragraph) for the following matters—
  - (i) requiring the person who is in charge of a vehicle in which the product is being carried to have in his possession a document which complies with the requirements of the regulations;
  - (ii) empowering persons authorised in writing to exercise functions under the regulations to halt any vehicle suspected to contain the product, inspect the vehicle and any agricultural product which is being carried in it, inspect and detain any document such as is mentioned in subparagraph (i), require the vehicle to be taken to the nearest suitable and

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- available weighing or measuring equipment, require the product to be unloaded from the vehicle and to be weighed or require the person in charge of the vehicle to have it check-weighed, and require that person to state the name and address of the owner of the product, the address from which it has been moved, the address to which it is being moved and, where the product has been the subject of a sale, the name and address of the seller;
- (iii) designating the person by whom any expenses incurred in complying with any requirement made under sub-paragraph (ii) are to be defrayed;
  - (iv) providing for the seizure and detention and the disposal or destruction of the product where it is suspected of being or having been moved in contravention of the regulations and of any vehicle, container or thing in or with which it is being or is suspected of having been carried or handled, and for the forfeiture of, or of the proceeds of sale of, any such product, vehicle, container or thing;]
- (c) for constituting, for the purposes of this Act committees composed of representatives of persons carrying on business as dealers in a regulated product;
  - (d) for sub-serving the purposes of any order under Part III of the United Kingdom Act regulating sales of an agricultural product;
  - (e) for sub-serving the purposes of an agricultural marketing scheme under the United Kingdom Act.
- (2) Where the Ministry by regulations under subsection (1)( *b*) makes provision for the registration of persons carrying on business in Northern Ireland as dealers in the regulated product, then, if the regulations so provide, there shall be payable to the Ministry by each such dealer a licence fee consisting of—
- (a) <sup>F4</sup>such annual sum not exceeding ten pounds as the regulations may fix; or
  - (b) a sum payable at such times and calculated at such rate as the regulations may prescribe, but not being in any case a rate higher than three per cent. of the value of the regulated product removed into Great Britain by such dealer; or
  - (c) the said annual sum together with a sum payable at such times and calculated at such rate as aforesaid.
- (3) Subject to any directions which may be contained in regulations made under this section, it shall be the duty of boards to exercise their powers in such manner as appears to them to be necessary for securing that the regulations are not contravened.
- (4) Any person who removes or attempts to remove any agricultural product from Northern Ireland into Great Britain in contravention of the provisions of any regulation made under subsection (1)( *b*) shall be liable on conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.
- <sup>F3</sup>(4A) Any person who acts in contravention of any regulations made under subsection (1) ( *ba*) or does not comply with any requirement duly made of him under such regulations or when required to produce any document or to make any statement under such regulations produces any document which he knows to be false or knowingly or recklessly makes any statement which is false shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £200 or to both such imprisonment and such fine; and any agricultural product which has been moved in contravention of the regulations and any vehicle, container or thing

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which has been used for the carriage, handling or concealment of the product, if not already forfeited by virtue of subsection (1)(ba)(iv), shall be liable to be forfeited.

- (4B) Any person who wilfully obstructs or impedes a person exercising functions under regulations made in pursuance of subsection (1)(ba) shall be liable on conviction to a fine not exceeding £200.]
- (5) The Ministry may by order do any matter or thing which is necessary for removing any difficulty arising in the bringing into operation of any provision of a scheme under this Act or any order under Part III of the United Kingdom Act regulating sales of an agricultural product.
- (6) Every order made under subsection (5) shall come into force upon the date specified therein in that behalf and shall be laid before Parliament as soon as may be after it is made, and shall cease to have effect upon the expiration of a period of six months from the date upon which it came into force, unless before the expiration of that period it is approved by a resolution passed by each House of Parliament.

F3 1970 c.20 (NI)

F4 1968 c.8 (NI)

## 18 Employment of officers and payment of members.

- (1) The number, grading, remuneration and terms and conditions of service of officers and servants employed by a board for the performance of their functions under this Act or under a scheme shall be determined by the board subject, except in such cases and to such extent as may be specified in the scheme, to the approval of the Ministry.
- (2) The appointment and terms of employment of every such officer and servant as aforesaid shall, except in such cases as may be specified in the scheme, be subject to the approval of the Ministry.
- (3) A board shall furnish to the Ministry such information regarding persons employed or being considered for employment by the board as the Ministry may require for the purposes of its functions under subsection (1) or subsection (2).
- (4) No salary or remuneration shall be paid to any member of a board except with the approval of the Ministry.

## 19 Inspection of premises and furnishing of returns.

- (1) Any [<sup>F5</sup> person authorised in writing] by the Ministry shall have power to enter [<sup>F5</sup> and remain on at all reasonable times, taking with him such other persons and such equipment as appear to him necessary] and to inspect—
- (a) any land or premises occupied or used by any person registered under regulations as a dealer, for the purposes of his business as such dealer; and
- (b) any land or premises which the Ministry [<sup>F6</sup> or the person so authorised] has reason to believe to be occupied or used by any person for the purpose of producing, selling, grading, marking, packing or storing any regulated product;
- and any person who [<sup>F6</sup> wilfully] obstructs or impedes [<sup>F5</sup> a person so authorised] in the exercise of his powers under this subsection shall be liable on conviction to a fine not exceeding [<sup>F5</sup> £200].

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- <sup>F7</sup>(1A) The power under subsection (1) to inspect land and premises shall include power to do anything that is reasonably necessary to ensure that the provisions of a scheme are being complied with.]
- (2) The Ministry may for the purposes of this Act by order require any producer of, or person carrying on business as a dealer in, a regulated product to make to the Ministry, at such time or times and in such form and manner as may be prescribed by the order, returns as to the production, sales and stocks of the regulated product, and also, in the case of a dealer, returns as to purchases of the regulated product.
- (3) Any person who fails to comply with any requirements of an order under subsection (2) within the time prescribed by the order, or knowingly makes any false statement in reply to such requirement, shall for each offence be liable on conviction to [<sup>F5</sup> a fine not exceeding £200].

**F5** 1970 c.20 (NI)

**F6** 1970 c.20 (NI)

**F7** 1975 NI 8

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