



Agricultural Marketing Act (Northern Ireland) 1964

1964 CHAPTER 13

EFFECT OF SCHEMES ON CONTRACTS

13 Registration of certain contracts.

- (1) It shall be the duty of the board, on the application of any party to such a contract as is referred to in section 12(1), to register the contract within the period of fourteen days after the application is made, unless—
 - (a) the application is made after the said section 12(1) has, by virtue of section 12(2), ceased to apply to the contract; or
 - (b) as respects a contract made during the relevant period, the board are of opinion that the contract was made with a view to evading the operation of the scheme by or under which the performance of the contract is prohibited.
- (2) Any party to a contract who is aggrieved by the omission of a board to register the contract within the period referred to in subsection (1), may, within twenty-one days after the expiration of that period, appeal to the court, and, pending the determination of any such appeal, section 12(1) shall, notwithstanding anything in section 12(2), continue to apply to the contract.
- (3) On any appeal under this section, the board concerned and any party to the contract may appear and be heard, and if, on the hearing of any such appeal, the court finds—
 - (a) that the application for registration of the contract was made before the expiration of the period on the expiration of which section 12(1) ceased, by virtue of section 12(2), to apply to the contract; and
 - (b) as respects a contract made during the relevant period, that the contract was not made with a view to evading the operation of the scheme;the court shall by order direct the registration of the contract, and thereupon the contract shall be deemed to have been registered as from the date of the order.
- (4) Where the court does not by order direct the registration of a contract made during the relevant period, any party to that contract who is certified by the court to have entered

Changes to legislation: There are currently no known outstanding effects for the Agricultural Marketing Act (Northern Ireland) 1964, Section 13. (See end of Document for details)

into the contract in good faith without a view to evading the operation of the scheme may recover the amount of any damage suffered by him by reason of the avoidance of the contract from any party thereto who is certified by the court to have entered into the contract with a view to evading the operation of the scheme.

- (5) For the purposes of an appeal under this section with respect to any contract, the court shall, subject to subsection (6), be the county court ^{F1}....
- (6) Notwithstanding the provisions of subsection (5)—
- (a) if, before proceedings in respect of any appeal under this section are commenced in the county court, the board and all parties to the contract agree that the appeal should be heard by the High Court, the High Court shall be the court for the purposes of the appeal; and

Para. (b) rep. by 1978 c. 23

- (7) For the purposes of this section, the expression “the relevant period”, in relation to a scheme, means a period beginning twelve months before the date when notice of the framing of the scheme was published by the Ministry and ending six months after the date when the scheme comes into force.

<p>F1 Words in s. 13(5) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 56, Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)</p>

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