



Agricultural Marketing Act (Northern Ireland) 1964

1964 CHAPTER 13

POWERS OF THE MINISTER AND THE MINISTRY

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;
- ^{F1}(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;

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- (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 sub-paragraph (i), require the vehicle to be taken to the nearest suitable and 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) ^{F2}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.
- ^{F1}(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

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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 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.

F1 [1970 c.20 \(NI\)](#)

F2 [1968 c.8 \(NI\)](#)

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