



# Marketing of Potatoes Act (Northern Ireland) 1964

## 1964 CHAPTER 8

**N.I.**

An Act to make provision for ensuring that potatoes are not sent out of Northern Ireland except in compliance with proper standards of quality and subject to inspection; for that purpose to provide for the licensing of persons engaged in the marketing out of Northern Ireland of potatoes; to enable standards of quality for potatoes marketed in Northern Ireland to be prescribed; and to make provision connected with such matters. [10th March 1964]

*Ss. 1, 2 rep. by 1997 NI 22*

### **3 Inspection of<sup>[F1]</sup> ware potatoes<sup>[F1]</sup> being sent out of Northern Ireland. **N.I.****

- (1) A person shall not either by himself or by any servant or agent of his send or attempt to send any<sup>[F1]</sup> ware potatoes<sup>[F1]</sup> out of Northern Ireland<sup>[F1]</sup> to a relevant destination<sup>[F1]</sup> unless—
- (a) the<sup>[F1]</sup> ware potatoes<sup>[F1]</sup> have been presented to an authorised officer for inspection at such convenient place and at such convenient time as the Ministry may from time to time appoint;
  - (b) the<sup>[F1]</sup> ware potatoes<sup>[F1]</sup> have been inspected <sup>[F2]</sup>by sample or otherwise<sup>[F2]</sup> by an authorised officer and a certificate has been issued by him to the effect that the<sup>[F1]</sup> ware potatoes<sup>[F1]</sup> have been inspected by him, are of the prescribed standard of quality and have been graded, packed and labelled in the prescribed manner; and
  - (c) the<sup>[F1]</sup> ware potatoes<sup>[F1]</sup> are, for the period during which they remain in Northern Ireland after being inspected under paragraph ( b), accompanied by the certificate issued under that paragraph.
- (2) A certificate of an authorised officer for the purposes of subsection (1) shall be valid for such period as shall be specified therein but an authorised officer may inspect <sup>[F2]</sup>by sample or otherwise<sup>[F2]</sup> any<sup>[F1]</sup> ware potatoes<sup>[F1]</sup> previously inspected under subsection (1)

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and may cancel any certificate relating to such<sup>F1</sup> ware potatoes<sup>F1</sup> if he is satisfied that the quality, grading, packing or labelling of the<sup>F1</sup> ware potatoes<sup>F1</sup> <sup>F3</sup> does not conform to the prescribed standards.

<sup>F1</sup>(2A) A person shall not either by himself or by any servant or agent of his send or attempt to send any ware potatoes out of Northern Ireland to a destination which is in the United Kingdom or in any other Member State unless the potatoes are of the prescribed standard of quality and have been graded, packed and labelled in the prescribed manner.

(2B) The Department may, if so requested by any person, make arrangements for ware potatoes intended to be sent out of Northern Ireland to a destination which is in the United Kingdom or in any other Member State to be presented, inspected and (where appropriate) certified under subsection (1) as if they were intended to be sent out of Northern Ireland to a relevant destination.]

<sup>F1</sup>(3) There shall be payable to the Ministry, in respect of an inspection of<sup>F1</sup> ware potatoes<sup>F1</sup> for the purposes of this section, a fee of such amount, calculated in such manner and payable at such time and by such person as may, with the approval of the Ministry of Finance, be prescribed.

<b>F1</b>	1984 NI 2
<b>F2</b>	1975 NI 8
<b>F3</b>	1975 NI 8

*S. 4 rep. by 1997 NI 22*

## **5 Giving of information and production of certificates and permits. N.I.**

- (1) Any person conveying or having custody or possession of potatoes which are being or have been moved or otherwise dealt with in contravention of any provision of this Act or regulation made thereunder<sup>F4</sup>..., or which are suspected by an authorised officer or a constable of being or having been so moved or dealt with, shall, on demand of such officer or constable, give his name and address and any information within his knowledge as to such potatoes which may be demanded of him by such officer or constable.
- (2) Any person having custody or possession of potatoes which are being or have been moved or otherwise dealt with in circumstances in which a certificate<sup>F4</sup>... is required by virtue of this Act, or in circumstances in which such certificate<sup>F4</sup>... appears to an authorised officer or a constable to be so required, shall, on demand by such officer or constable produce such certificate<sup>F4</sup>... for inspection.
- (3) Any person consigning potatoes for delivery outside Northern Ireland in circumstances in which a certificate<sup>F4</sup>... is required by virtue of this Act shall, on demand made by or on behalf of the carrier, produce such certificate<sup>F4</sup>....
- (4) Nothing in this section shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

<b>F4</b>	1997 NI 22
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## 6 Detention and seizure of potatoes. **N.I.**

- (1) An authorised officer or a constable may seize and may detain in custody any potatoes which are being or which are suspected by such an officer or constable of being, sent out of Northern Ireland in contravention of any provision of this Act or regulation made thereunder<sup>F5</sup>....
- (2) Where any person detains potatoes in his custody under this section, he shall, as soon as possible, either—
  - (a) release the potatoes; or
  - (b) [<sup>F6</sup> keep possession of or sell the potatoes and] take such steps as may be proper to have dealt with according to the law the person believed to be guilty of the offence committed, or believed to have been committed, in relation to the potatoes and
    - <sup>F7</sup>(i) where a person is convicted in respect of such a contravention or breach as is mentioned in subsection (1), the potatoes shall be forfeited and become the property of the Department which may dispose of them in such manner as it thinks fit or if the potatoes have been sold, the proceeds of the sale shall become the property of the Department; or
    - (ii) where a person is not so convicted, the potatoes shall be released or, if the potatoes have been sold, the proceeds of the sale shall be paid to the person who was deprived of the ownership of the potatoes and no further liability shall be incurred by reason of the detention or sale.]
- (3) Potatoes released under subsection (2) shall be delivered to the consignor at the place of detention or, if an authorised officer agrees, at such other place within Northern Ireland as the consignor elects and, if the consignor fails to take delivery at such place within such reasonable time as may be specified by the authorised officer, shall be sold and the proceeds, less any expenses incurred by the Ministry or a constable in connection with such seizure, detention or sale, shall be paid to the consignor.

**F5** 1997 NI 22  
**F6** 1977 NI 12  
**F7** 1977 NI 12

## 7 Standard of quality etc., of<sup>F8</sup> ware potatoes<sup>F8</sup> sold in Northern Ireland. **N.I.**

- (1) The Ministry may, by regulations, provide that<sup>F8</sup> ware potatoes<sup>F8</sup> sold or offered or exposed for sale in Northern Ireland or in any specified area thereof for any purpose specified in the regulations shall conform to such standards of quality, grading, packing and labelling as may be prescribed..
- (2) Where, under the powers conferred by section 8, an authorised officer, at the request of a purchaser, seller or other person, examines, on the farm where they have been grown,<sup>F8</sup> ware potatoes<sup>F8</sup> sold or offered or exposed for sale in Northern Ireland, the person making the request shall, at such time as the Ministry shall determine, pay to the Ministry in respect of the examination a fee of such amount and calculated in such manner as may with the approval of the Ministry of Finance be prescribed.

**F8** 1984 NI 2

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## 8 Power to enter premises and examine potatoes. **N.I.**

- (1) Any authorised officer shall for the purposes of this Act have power (on production, if demanded, of his authority to act as such officer)—
- (a) to enter, at all reasonable times, any premises owned, occupied or used or suspected by him upon reasonable grounds of being owned, occupied or used by any person for the purpose of trade in potatoes and to inspect therein any potatoes in the possession of such person and any process connected with the grading and packing of potatoes in such premises;
  - (b) <sup>F9</sup> to enter at all reasonable times the premises of, or used by, any person engaged in the business of carrying goods for reward, any pier, quay, wharf, jetty, dock, dock premises or aerodrome and any ship, boat, aircraft, railway waggon, motor lorry, cart or other vessel or vehicle used for the conveyance of goods and to open, for the purpose of inspection, any package of potatoes which may be found in or upon any premises, place, vessel, vehicle or aircraft which he is entitled to enter under this paragraph;
  - (c) to inspect potatoes and to take, for the purpose of examination, samples of potatoes.
- (2) Where an inspection of potatoes under this Act is made whilst the potatoes are in transit and an authorised officer is satisfied that the potatoes do not conform to the prescribed standard of quality or are not graded, packed and labelled in the prescribed manner, the Ministry or officer may direct that the potatoes shall be returned to the consignor at the place from which they were consigned or, if the Ministry or officer approves, at such other place within Northern Ireland as the consignor may elect and thereupon the carrier or the consignor, as the case may require, shall, at the expense of the consignor, proceed to execute such direction with all reasonable speed.
- (3) Nothing in this section shall be construed as authorising anything to be done to the prejudice of any powers of a carrier to secure payment of freight charges in respect of any consignment carried by him.

**F9** SI 1972/971

*S. 9 rep. by 1997 NI 22*

## 10 Disclosure of returns and information. **N.I.**

*Subs. (1) rep. by 1997 NI 22*

- (2) A person shall not disclose any information relating to an individual person or business obtained by him in the exercise of his powers under this Act and no information so obtained shall be disclosed, whether as general statistics or otherwise, except by or with the consent of the Ministry.
- (3) [<sup>F10</sup>Subsection (2)]<sup>F10</sup> shall not apply to the disclosure<sup>F10</sup> ... of information—
- (a) in so far as the disclosure is required for the purposes of a prosecution or other legal proceedings under this Act; or
  - (b) in so far as the disclosure is required or authorised by this Act or regulations made thereunder.

**F10** 1997 NI 22

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## 11 Power of Ministry to make regulations. **N.I.**

- (1) The Ministry may make regulations prescribing anything which, under this Act, may be prescribed and providing for any matter in respect of which regulations may be made under this Act and generally for carrying this Act into effect.
- (2) Regulations made under section 15(1) shall be subject to affirmative resolution and all other regulations made under this Act shall be subject to negative resolution.

## 12 Power to enter into arrangements with agricultural marketing boards. **N.I.**

- (1) The Ministry may for any of the purposes of this Act enter into arrangements with any agricultural marketing board subject to such conditions as to expenditure and otherwise as, with the consent of the Ministry of Finance, may be provided by the arrangements.
- (2) For the purposes of this section an agricultural marketing board means a board established under the Agricultural Marketing Act 1958 , or under the Agricultural Marketing Acts (Northern Ireland) 1933 to 1963<sup>F11</sup>.

**F11** 1964 c.13 (NI)

## 13 Offences and prosecutions. **N.I.**

- (1) Any person who, either by himself or by any servant or agent of his—
  - (a) sends or agrees or attempts or offers to send potatoes out of Northern Ireland in contravention of any provision of this Act or regulations made thereunder<sup>F12</sup>...; or
  - (b) in connection with<sup>F12</sup> the issue of a certificate under this Act<sup>F12</sup> makes any statement or furnishes any information which to his knowledge is false or in any material respect misleading; or
  - (c) fraudulently alters or uses or causes to be used or permits to be fraudulently altered or used any<sup>F12</sup>... certificate<sup>F12</sup>... or other document issued under this Act or any seal, mark or indication prescribed under, or used for the purposes of, this Act;<sup>F12</sup>...

*Para. (d) rep. by 1997 NI 22*

shall, without prejudice to the provisions of [<sup>F13</sup> Article 10 of the Perjury (Northern Ireland) Order 1979 ], be guilty of an offence against this Act and shall be liable on summary conviction<sup>F14</sup>... to a fine not exceeding<sup>F14</sup> level 5 on the standard scale<sup>F14</sup> or imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

- (2) Any person who—
  - (a) obstructs or impedes an authorised officer or a constable in the exercise of any of the powers conferred under or by virtue of this Act or gives to any such officer or constable any information which to his knowledge is false or in any material respect misleading; or
  - (b) sells or attempts to sell or offers or exposes for sale<sup>F15</sup> ware potatoes<sup>F15</sup> in Northern Ireland in contravention of regulations made under section 7; or

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- (c) discloses, in contravention of section 10, any information obtained by him in the exercise of any power conferred on him or on the Ministry by or under this Act; or
- (d) contravenes the provisions of section 5 or any other provision of this Act or regulations made thereunder for which no penalty is otherwise provided by this Act;

shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding<sup>F14</sup> level 3 on the standard scale<sup>F14</sup>.

- (3) Subject to subsection (4), proceedings for an offence against this Act shall not be instituted except by or with the consent of the Ministry.

- (4) Sub-section (3) shall not operate—

- (a) so as to affect a prosecution for an offence committed by an authorised officer or other officer of the Ministry;
- (b) so as to prevent any steps being taken by an authorised officer under section 6 with respect to the seizure and detention of potatoes or otherwise in execution of his duties under this Act preparatory to or in connection with the institution of proceedings for an offence against this Act.

- (5) Summary proceedings for an offence against this Act shall not be commenced after the expiration of a period of six months from the date on which evidence sufficient in the opinion of the Ministry to justify a prosecution for the offence comes to the knowledge of the Ministry, or after the expiration of a period of twelve months after the commission of the offence, whichever period last expires and for the purposes of such proceedings a certificate purporting to be signed by the Minister or a secretary or assistant secretary of the Ministry as to the date on which such evidence as aforesaid came to the knowledge of the Ministry shall be conclusive evidence thereof.

*Subs. (6) rep. by 1997 NI 22*

**F12** 1997 NI 22

**F13** 1979 NI 19

**F14** 1984 NI 3

**F15** 1984 NI 2

## 14 Financial provisions. **N.I.**

...<sup>F16</sup> all sums received by the Ministry under this Act shall be paid into the Exchequer.

**F16** SLR 1976

## 15 Savings. **N.I.**

- (1) Except to such extent as may be prescribed, the provisions of this Act shall not apply to—

*Paras. (a), (b) rep. by 1984 NI 2*

- (c) potatoes sent by post.

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- (2) The provisions of this Act shall be without prejudice to the provisions of the<sup>F17</sup> Plant Health Act (Northern Ireland) 1967<sup>F17</sup> and to the functions of the Ministry and local authorities under those Acts.

**F17** 1997 NI 22

## 16 Interpretation. **N.I.**

In this Act, the expression—

“authorised” means authorised by the Ministry;

“grade” means description indicating size and quality;

“labelled” in relation to a package includes having a label affixed thereto or having a label placed inside the package or having a brand on the outside of the package;

“Minister” and “Ministry” mean respectively the Minister and the Ministry of Agriculture;

“package” includes any wrapper, bag, case, parcel, cask, box, crate or other container or receptacle;

*Definition rep. by 1997 NI 22*

“prescribed” means prescribed by regulations made by the Ministry under this Act;

[<sup>F18</sup>“relevant destination” means a destination which is not in the United Kingdom or in any other Member State;]

<sup>F18</sup>“send” includes taking or carrying or causing to be sent, taken or carried.

[<sup>F18</sup>“ware potatoes” means potatoes other than potatoes which in accordance with seed regulations made under the Seeds Act (Northern Ireland) 1965 may be marketed as seed potatoes;<sup>F18</sup>]

**F18** 1984 NI 2

*S. 17 rep. by SLR 1973*

## 18 Short title. **N.I.**

- (1) This Act may be cited as the Marketing of Potatoes Act (Northern Ireland) 1964.

*Subs. (2) rep. by SLR 1973*

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N.I.

*Schedule rep. by SLR 1973*



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