



Horticulture Act (Northern Ireland) 1966

1966 CHAPTER 15

PART I

FRESH HORTICULTURAL PRODUCE

GRADING OF PRODUCE

3 Offences in connection with grading.

- (1) A person shall be guilty of an offence if he sells any regulated fresh produce in contravention of section 2 or, with intent to sell any such produce in circumstances such that the sale would contravene that section, he—
 - (a) offers or exposes the produce for sale, or
 - (b) not being the producer thereof, has the produce in his possession for sale, or
 - (c) being the producer thereof, consigns the produce for sale.
- (2) A person shall be guilty of an offence if, on behalf of the owner of any regulated fresh produce,—
 - (a) he carries out a sale of the produce in circumstances such that the sale contravenes section 2, or
 - (b) with intent to carry out a sale of the produce in such circumstances, he offers or exposes it for sale or has it in his possession for sale.
- (3) A person shall be guilty of an offence if, having given an undertaking such as is mentioned in section 2(2)(c), he fails to comply with the undertaking.
- (4) A person shall be guilty of an offence if he represents, whether by affixing an incorrect label to a package containing any regulated fresh produce or in any other manner, that regulated fresh produce the quality of which is inferior to that required for a prescribed grade falls within that grade.
- ^{F1}(5) A person shall be guilty of an offence if he sells, offers for sale, delivers, or markets in any other manner any regulated fresh produce in contravention of Community grading rules or with intent to sell, offer for sale, deliver, or market in circumstances that the sale, offer for sale, delivery or marketing would contravene those rules, he—

Changes to legislation: There are currently no known outstanding effects for the Horticulture Act (Northern Ireland) 1966, Section 3. (See end of Document for details)

- (a) offers or exposes the produce for sale; or
 - (b) not being the producer thereof, has the produce in his possession for sale; or
 - (c) being the producer thereof consigns the produce for sale.
- (6) A person shall be guilty of an offence if, on behalf of the owner of any regulated fresh produce—
- (a) he sells, offers for sale, delivers or markets regulated fresh produce in circumstances such that the sale, offer for sale, delivery or marketing contravenes Community grading rules; or
 - (b) with intent to sell, offer for sale, deliver or market regulated fresh produce in such circumstances he offers or exposes it for sale or has it in his possession for sale.
- (7) A person shall be guilty of an offence if having given an undertaking or having been responsible for the giving of an undertaking on his behalf by another person as to any resorting, regrading or relabelling of regulated fresh produce found not to conform to Community grading rules he fails to comply with the undertaking.
- (8) A person shall be guilty of an offence if he offers regulated fresh produce of a description included in Chapter 6 of the Common Customs Tariff of the European Communities, as amended or replaced from time to time, for which there is a prescribed grade and in relation to which a price has been quoted in any advertisement, catalogue or price list without giving particulars required by Community grading rules relating thereto.
- (9) A person shall be guilty of an offence if he despatches any consignment of regulated fresh produce weighing 4 metric tons or more from one despatching area as specified from time to time in Community grading rules, to another such despatching area or exports any consignment of regulated fresh produce to any place outside the European Economic Community without any certificate accompanying the produce as required by Community grading rules.
- (10) A person shall be guilty of an offence if he knowingly gives in relation to regulated fresh produce whether by affixing an incorrect label or in any other manner a description of the produce which does not comply with the requirements of Community grading rules.
- (11) A person shall be guilty of an offence if he fails to make any request for inspection or give any notice or information required by Community grading rules.]

Changes to legislation:

There are currently no known outstanding effects for the Horticulture Act (Northern Ireland) 1966, Section 3.