



Livestock Marketing Commission Act (Northern Ireland) 1967

1967 CHAPTER 21

An Act to establish a Livestock Marketing Commission for the benefit of the livestock and livestock products industries in Northern Ireland. [1st August 1967]

1 The Livestock Marketing Commission.

- (1) There shall be established a body, to be known as the Livestock Marketing Commission for Northern Ireland (in this Act referred to as “the Commission”) having the general duty of examining and recommending improvements in the marketing of livestock and livestock products and the particular functions set out in Part I of the Schedule.
- (2) The Commission shall be a body corporate, with perpetual succession, to which section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.
- (3) The Commission shall consist of not less than five and not more than seven members appointed by the Minister of Agriculture (in this Act referred to as “the Minister”), and in appointing any person as such a member the Minister shall have regard to the interests of producers of livestock and to other persons trading in livestock and livestock products.
- (4) The Minister shall appoint a member as chairman of the Commission.
- (5) In performing any of their functions under this Act the Commission may co-operate with such other persons as they think fit.
- (6) The supplemental provisions set out in Part II of the Schedule shall have effect in relation to the Commission.

2 Development of livestock and livestock products industries.

- (1) The Commission may make recommendations to the Ministry of Agriculture (in this Act referred to as “the Ministry”) for the better organisation of, or for the development

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or expansion of, any section of the livestock industry or the livestock products industry in Northern Ireland.

- (2) Where the Ministry receives any recommendations under subsection (1), it may make a scheme containing provisions for the better organisation of, or for the development or expansion of any section of, the livestock industry or the livestock products industry in Northern Ireland, including provisions for—
 - (a) improving the structure of those industries;
 - (b) disseminating information in relation to the market in and the demand for livestock and livestock products;
 - (c) improving the operation and efficiency of livestock auction markets in Northern Ireland; or
 - (d) promoting the processing and packaging of meat;
 or provisions which are incidental or supplemental to any purpose referred to above.
- (3) Where a scheme made under subsection (2) confers functions on the Commission, the Ministry may with the consent of the Ministry of Finance make to the Commission on such conditions as the Ministry may specify payments of such amount as the Ministry considers appropriate during the period of three years beginning with the date upon which the scheme comes into operation.
- (4) The Ministry may recover as a civil debt due to it the whole, or such part as it may determine, of any payment under subsection (3) which is made subject to a condition, if the condition is not complied with.
- (5) The Ministry shall not incur any expenditure under a scheme made under subsection (2) which confers functions on the Ministry unless the scheme was made with the consent of the Ministry of Finance, and where the Ministry incurs expenditure under a scheme made with that consent, the scheme shall cease to have effect on the expiration of the period of three years beginning with the date upon which the scheme came into operation.

Subs. (6) rep. by SI 2000/311

- (7) All expenses incurred by the Ministry under this section shall be defrayed out of moneys provided by Parliament.
- (8) A scheme made under subsection (2) shall be subject to affirmative resolution.

3 Promotion of sale of livestock.

- (1) The Commission may encourage the making of and assist in the negotiating of contracts for the sale of livestock.
- (2) Where any contracts made in pursuance of subsection (1) for the sale of livestock provide for the publication from time to time of the prices at which the purchasers will purchase the livestock, the Commission may arrange for the publication of those prices by such means as, in the opinion of the Commission, are best suited for bringing the prices to the notice of persons selling livestock.
- (3) The Commission may negotiate and publish by such means as they consider appropriate details of the terms on which, and the prices at which, persons will purchase livestock otherwise than under such contracts as are made in pursuance of subsection (1).

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4 Levy for Commission's expenses.

- (1) ^{F1} For the purpose of defraying the expenses of the Commission, the Ministry may, on the recommendation of the Commission, make regulations providing for the imposition of a levy, to be collected by or on behalf of the Commission, in respect of all livestock slaughtered in or sent out of Northern Ireland, but so that the levy shall not exceed^{F2} £1.00] for each sheep, ...^{F3} and^{F2} £6.00] for each bovine animal.
- (2) A levy under this section shall be imposed only on—
- (a) the owners of any livestock slaughtered or the owners of any livestock immediately before they are sent out of Northern Ireland; or
 - (b) other persons engaged in the production, marketing or distribution of livestock or livestock products.
- (3) Regulations made under subsection (1) may include—
- (a) provisions as to the persons by whom any levy under subsection (1) is to be paid or collected;
 - (b) provisions requiring persons slaughtering livestock or carrying or sending out of Northern Ireland any livestock to keep such records and to make such returns as may be specified in the regulations.
- (4) Regulations made under subsection (1) may include provisions making persons guilty of an offence where there is a contravention of the regulations, and for the imposition of penalties on summary conviction of any such offence, but so that a maximum fine and a maximum term of imprisonment specified in the regulations shall not exceed^{F4} level 3 on the standard scale] and three months, respectively.
- (5) Returns or other information furnished or obtained by any person in pursuance of regulations made under subsection (1) shall not be disclosed except—
- (a) with the consent of the person by whom the information was furnished;
 - (b) to a member, officer or servant of the Commission;
 - (c) to an officer of the Ministry;
 - (d) in the form of a summary of similar information, so framed that particulars relating to any one person cannot be obtained from it;
 - (e) for the purpose of any criminal proceedings or report of such proceedings;
- and any person who contravenes this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding^{F4} level 3 on the standard scale] or to imprisonment for a term not exceeding six months.
- (6) No levy shall be imposed under this section in respect of any livestock slaughtered under the^{F5} Diseases of Animals (Northern Ireland) Order 1981] or any order made thereunder.
- (7) The Ministry may by regulations made subject to affirmative resolution vary the sums specified in subsection (1).
- (8) Regulations made under subsection (1) shall be subject to negative resolution.

F1 1969 c.9 (NI)
F2 SR 2003/20
F3 1977 NI 12
F4 1984 NI 3
F5 1981 NI 22

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5 Research levy.

- (1) For the purpose of providing funds to be applied for the purpose of scientific research with the aim of securing benefits to and improvements in the livestock industry or the livestock products industry, the Ministry may by order—
 - (a) impose charges of amounts specified in the order on any class or description of persons referred to in subsection (2); or
 - (b) require the making of payments by the Commission;
 or provide those funds by both those methods.
- (2) The said persons are—
 - (a) persons engaged in the production, marketing or distribution of livestock;
 - (b) persons engaged in the production, processing, manufacture, marketing or distribution of livestock products;
 - (c) persons whose incomes are wholly or mainly derived from livestock or livestock products.
- (3) An order under this section may provide for the imposition and recovery of charges in any way which might be authorised by regulations made under section 4 and may include in the order any provisions which could be included in those regulations and may apply any such regulations, with or without modifications.
- (4) Any charges imposed by an order under subsection (1) shall be imposed by reference to the number of livestock dealt with by the persons chargeable.
- (5) Any charges imposed by an order under subsection (1) shall be collected by the Commission or by any person or class of persons specified in the order.
- (6) An order under this section shall be subject to affirmative resolution.

[^{F6}5A Contributions to Agricultural Research Council.

The Commission may make contributions to the Agricultural Research Council of such amount as the Commission may determine.]

F6 1977 NI 12

6 Classification of meat.

Subs.(1) amends s.6 of 1962 c.13 (NI)

- (2) Regulations made by the Ministry under section 6 of that Act^{F7} may contain provisions requiring the owner of the carcasses of any livestock at the time at which those carcasses are classified or graded in pursuance of regulations made under that section to pay to such person as may be specified in the regulations such fee as may be prescribed by the regulations in respect of the classification or grading.
- (3) Regulations made by the Ministry under section 6 of that Act^{F7} may include provisions making persons guilty of an offence where there is a contravention of the regulations, and for the imposition of penalties on summary conviction of such an offence, but so that a maximum fine and a maximum term of imprisonment specified in the regulations shall not exceed[^{F8} level 3 on the standard scale] and six months, respectively.

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F7 1962 (c.13)

F8 1984 NI 3

7 Dissolution of Commission.

- (1) The Ministry may, after consulting the Commission, by order make provision for dissolving the Commission; and any such order—
 - (a) may contain provision for winding up the affairs of the Commission;
 - (b) may include any provisions as to matters preparatory or incidental to, or consequential upon, the dissolution of the Commission which the Ministry may consider necessary or expedient.
- (2) An order made under this section shall be subject to affirmative resolution.

8 Borrowing by the Commission.

- (1) The Commission may with the consent of the Ministry of Agriculture borrow such sums as they consider necessary for the purpose of discharging their functions under this Act.
- (2) The Ministry of Finance may, on the recommendation of the Ministry, guarantee in such manner as the Ministry of Finance thinks fit, the payment of the interest on and the principal of, or of the interest on or the principal of, any sums which the Commission borrow under subsection (1).
- (3) Any sum borrowed by the Commission under subsection (1) in respect of which a guarantee is given by the Ministry of Finance under subsection (2) shall be repaid by the Commission within two years from the date on which the sum is borrowed, unless the Ministry of Finance on the recommendation of the Ministry authorises any outstanding balance of the sum borrowed to remain unpaid for a further period of two years.
- (4) Two or more authorisations may be given successively under subsection (3) in respect of the same loan.
- (5) Any sums required by the Ministry of Finance for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.

[^{F9}9] Accounts and Audit

- (1) The Commission shall—
 - (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall—
 - (a) be in such form; and
 - (b) contain such information,as the Department may, with the approval of the Department of Finance and Personnel, direct.

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- (3) The Commission shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—
 - (a) the Department; and
 - (b) the Comptroller and Auditor General for Northern Ireland.
- (4) The Comptroller and Auditor General shall—
 - (a) examine, certify and report on every statement of accounts sent to him by the Commission under this Article; and
 - (b) send a copy of his report to the Department.
- (5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.]

F9 2003 NI 5

10 Annual report.

- (1) The Commission shall make an annual report to the Minister on their functions during the year preceding the date of the report, and the Minister shall lay a copy of that report before Parliament.

Subs. (2) rep. by 2003 NI 5

- (3) The Commission shall, on payment of such sum not exceeding [^{F10} 25p] as they may in that behalf determine, send a copy of any annual report made under subsection (1) to any person who requests a copy thereof.

F10 1969 c.19

11 Interpretation.

In this Act—

- “bovine animals” means bulls, cows, steers, heifers and calves;
- “carcases” means whole carcases of livestock, and sides, quarters and other substantial portions of carcases;
- “the Commission” has the meaning assigned by section 1;
- “livestock” means bovine animals, ...^{F11} and sheep;
- “livestock industry” means all the activities comprised in the production, marketing and distribution of livestock, including the carrying on of slaughterhouses and livestock auctions and markets;
- “livestock product” means any product which is derived to any extent, with or without any process of manufacture, from livestock, but excluding milk, milk products and fleece wool;
- “livestock products industry” means the activities comprised in the production, processing, manufacture, storing, marketing and distribution of livestock products;
- “the Minister” has the meaning assigned by section 1;
- “the Ministry” has the meaning assigned by section 2;

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Definition rep. by 1977 NI 12

“slaughterhouse” has the same meaning as in the Slaughter of Animals Act (Northern Ireland) 1932 .

F11 1977 NI 12

12 **Short title.**

This Act may be cited as the Livestock Marketing Commission Act (Northern Ireland) 1967.

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SCHEDULE

THE LIVESTOCK MARKETING COMMISSION

PART I

FUNCTIONS OF THE COMMISSION

- 1 Examining the structure of the livestock industry and the livestock products industry.
- 2 Encouraging the making of better arrangements for the movement or marketing of livestock and livestock products.
- 3 Advising the Ministry on the classification and grading of the carcasses of livestock.
- 4 Advising the Ministry on the characteristics which livestock should possess in order to be readily marketable.
- 5 Disseminating information in the livestock industry and livestock products industry about market prices for livestock (whether in Northern Ireland or elsewhere) and livestock products and about the trends of those prices and the requirements of markets for livestock and livestock products.
- 6 Conducting market research, or causing such research to be conducted, into the requirements of markets (whether in Northern Ireland or elsewhere) for livestock and livestock products.
- 7 (1) Improving and expanding trade in livestock produced in Northern Ireland and in livestock products so produced.
(2) In performing their functions under sub-paragraph (1), the Commission may act by themselves or may employ any other person to perform those functions in whole or in part.
- 8 Giving advice and information to the Ministry on the efficient lay-out and operation of livestock auction markets and slaughterhouses.
- 9 Carrying out such other functions in relation to the livestock and livestock products industries as the Ministry may specify in a direction to the Commission.
- [^{F12}10 Encouraging scientific research with the aim of securing benefits to, and improvements in, the livestock and livestock products industries.]

F12 1977 NI 12

PART II

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

- 1 (1) Subject to the provisions of this paragraph, a member of the Commission shall hold office for a term of three years.

Sub-para.(2) rep. by SLR 1976

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- (3) A member may by notice in writing addressed to the Minister resign his membership, and the chairman may by the like notice resign his office as such.
- (4) The Minister may remove a person from membership if satisfied that he—
- (a) has become bankrupt or made an arrangement with his creditors;
 - (b) is incapacitated by physical or mental illness;
 - (c) has been absent from more than six consecutive meetings of the Commission otherwise than for a reason approved by the Minister; or
 - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member.
- (5) Where a member resigns his office or the Minister removes a person from membership, the Minister may appoint another person in his place, and any person so appointed shall hold office for the residue of the term of the person in whose place he is appointed.
- (6) A person who ceases to be a member shall be eligible for reappointment.
- 2 Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorised by the Commission to act for that purpose.
- 3 The number, remuneration and terms and conditions of employment of persons employed by the Commission shall, except in so far as the Ministry may otherwise specify in a direction under this paragraph, be subject to the approval of the Ministry.
- 4 (1) The Commission may act notwithstanding the absence of the Chairman or any vacancy in their numbers.
- (2) If the Chairman is unable to be present at any meeting of the Commission he may appoint another member to act in his stead at that meeting.
- (3) If the Chairman is absent from a meeting and no member has been so appointed by him, the Commission shall elect one of the members present to preside at that meeting.
- (4) A defect in the appointment of any person acting as a member of the Commission shall not vitiate any proceedings of the Commission in which he has taken part.
- (5) The quorum for a meeting of the Commission shall be four.
- 5 The Commission may pay to any member such remuneration and travelling or other allowances as the Ministry may, with the approval of the Ministry of Finance^{F13}, determine.

F13 SR 1976/281

- 6 (1) A member of the Commission shall, if he is in any way directly or indirectly interested in any contract made or proposed to be made by the Commission, disclose the nature of his interest at a meeting of the Commission as soon as possible after the relevant circumstances have come to his knowledge.
- (2) For the purposes of this paragraph, a general notice given to the Commission by a member to the effect that he is a member of a specified company or firm and is to

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be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm, shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

- (3) Any disclosure made under sub-paragraph (1) or general notice given under sub-paragraph (2) shall be recorded in the record of meetings of the Commission.
- (4) The Commission shall—
 - (a) keep a proper record of the proceedings of each meeting held by them;
 - (b) forward a copy of the record of each meeting to the Minister within fourteen days from the date of the meeting to which it relates.

Para.7 rep. by 1975 c.25

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Changes to legislation:

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