
STATUTORY INSTRUMENTS

1982 No. 1080

The Agricultural Marketing (Northern Ireland) Order 1982

PART II

AGRICULTURAL MARKETING SCHEMES

Provisions as to regulation of marketing and other matters which must or may be included in schemes

Regulation of sales of regulated products

8^{F1}.—(1) Every scheme shall require that no sale of the regulated product shall be made by any producer who is not either a registered producer or a person exempted from registration by or under the provisions of the scheme.

(2) Subject to the approval of the Department, a scheme may provide—

- (a) for requiring registered producers to sell the regulated product or any description thereof, or such quantity thereof or of any description thereof as may from time to time be determined by the board, only to, or through the agency of, the board;
- (b) for the determination from time to time of the quantity of the regulated product or of any description thereof which may be sold by any registered producer;
- (c) for the determination from time to time—
 - (i) of the descriptions of the regulated product which may be sold by any registered producer;
 - (ii) of the price at, below or above which, the terms on which, and the persons to, or through the agency of whom, the regulated product, or any description or quantity thereof, may be sold as aforesaid;
- (d) for empowering the board to receive the whole or any part of any sums payable by purchasers of the regulated product in respect of sales of that product by registered producers, and for securing that any sums so received are distributed by the board to the sellers in such manner as may be specified in the scheme or prescribed by the board.

(3) A scheme which provides for the matter set out in paragraph (2)(b) shall either specify the method of determination or require the board to prescribe it, and without prejudice to the generality of the foregoing provision, the method of determination may be such as to secure that the quantity (if any) which any particular registered producer may sell is determined wholly or partly by reference to the quantity of that product or description, as the case may be, which was, in some past period, produced, sold or otherwise dealt with on some particular land or premises or by particular persons.

(4) A scheme may provide for securing that, for all or any of the purposes of the scheme and of this Part, the sale of any product wholly or partly manufactured or derived from the regulated product shall be deemed to be a sale of the regulated product if the substance of the transaction between the seller and the buyer is that the seller, being in possession of the regulated product, agrees to subject it, or cause it to be subjected, to some process and to sell the resulting product to the buyer; and where,

Changes to legislation: *The Agricultural Marketing (Northern Ireland) Order 1982, Section 8 is up to date with all changes known to be in force on or before 23 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

in the case of any scheme, the regulated product is livestock of any kind, then, without prejudice to the foregoing provisions of this paragraph, the scheme may provide for securing that, for all or any of the purposes aforesaid, a person shall be deemed to sell the regulated product if he sells the carcasses or parts of the carcasses of any livestock of that kind, being livestock produced by him.

(5) Any producer who sells the regulated product in contravention of the provisions of a scheme made in pursuance of paragraph (1) shall be guilty of an offence and for each offence be liable—

- (a) on summary conviction to a fine not exceeding^[F2] level 5 on the standard scale] and to an additional fine not exceeding half the price at which the product was sold;
- (b) on conviction on indictment to a fine.

(6) Where any court imposes a fine for an offence under paragraph (5), the court may, if it thinks fit, having regard to the prejudicial effect which the commission of the offence has had or is likely to have on the operation of the scheme, direct the whole or any part of the fine to be paid to the board.

F1 mod. by [1984 NI 12](#), SR 1995/103

F2 [1984 NI 3](#)

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Changes and effects yet to be applied to :

- Instrument mod. (prosp.) by [1998 c. 41 s.45\(7\)Sch.7 Pt.II para.20\(2\)\(c\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch.8 rev.inpt. and am. (prosp.) by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.6Sch.14 Pt.II](#)