Changes to legislation: *The Agricultural Marketing (Northern Ireland) Order 1982, PART I is up to date with all changes known to be in force on or before 08 July 2024. 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*

STATUTORY INSTRUMENTS

1982 No. 1080

The Agricultural Marketing (Northern Ireland) Order 1982

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Agricultural Marketing (Northern Ireland) Order 1982.

(2) Except as provided by Article 46(3), this Order shall come into operation on the expiration of six weeks from the date on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"agricultural product" includes—

(a) any product of agriculture or horticulture;

(b) any article of food or drink wholly or partly manufactured or derived from any such product; and

(c) fleeces (including all kinds of wool, whether from a living animal or from a dead animal or from the skin of a dead animal) and the skins of animals;

"board" means—

(a) in Part II, a board administering an agricultural marketing scheme and, in relation to any such scheme, the board administering that scheme;

(b) in Part III, a board administering an agricultural marketing service scheme and, in relation to any such scheme, the board administering that scheme;

"the Department" means the Department of Agriculture;

"enrolled producer" means, in relation to any agricultural marketing service scheme, a producer enrolled under the scheme;

"initial poll", in relation to an agricultural marketing scheme, means the first poll of registered producers taken on the question whether the scheme shall remain in force;

"producer" means—

(a) in Part II, in relation to any agricultural marketing scheme, any person who produces the regulated product;

(b) in Part III, in relation to any agricultural marketing service scheme, any person who produces the specified product;

"registered producer" means, in relation to any agricultural marketing scheme, a producer registered under the scheme;

"regulated product" means, in relation to any agricultural marketing scheme, any agricultural product the marketing of which is regulated by the scheme;

"requisite majority" means—

(a) in relation to a poll of registered producers, a majority comprising—

(i) not less than two-thirds of the total number of registered producers voting on the poll, and

(ii) such number of registered producers as are together capable of producing not less than two-thirds of the quantity of the regulated product which all the registered producers voting on the poll are together capable of producing;

(b) in relation to a poll of enrolled producers, a majority comprising—

(i) not less than two-thirds of the total number of enrolled producers voting on the poll, and

(ii) such number of enrolled producers as have together, within such period as may be specified by the scheme, sold to the board not less than two-thirds of the quantity of the specified product which the board has bought from enrolled producers voting on the poll within that period;

"scheme" means—

(a) in Part II, an agricultural marketing scheme under that Part;

(b) in Part III, an agricultural marketing service scheme under that Part;

"specified product" means, in relation to any agricultural marketing service scheme, any agricultural product for the marketing of which the scheme is made;

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

"substitutional scheme" means—

(a) in Part II, an agricultural marketing scheme which revokes one or more existing agricultural marketing schemes, and is such that at the time when it comes into force—

(i) every person is entitled to be registered as a producer thereunder who was entitled to be registered as a producer under the existing scheme or one or more of the existing schemes; and

(ii) no person is entitled to be registered as a producer thereunder who was not entitled to be registered as a producer under the existing scheme or any of the existing schemes;

(b) in Part III, an agricultural marketing service scheme which revokes one or more existing agricultural marketing service schemes, and is such that at the time when it comes into force—

(i) every person is entitled to be enrolled as a producer thereunder who was entitled to be enrolled as a producer under the existing scheme or one or more of the existing schemes; and

(ii) no person is entitled to be enrolled as a producer thereunder who was not entitled to be enrolled as a producer under the existing scheme or any of the existing schemes;

"suspensory period", in relation to an agricultural marketing scheme, means a period beginning on the date when the scheme is approved and ending at the expiration of such period (not being less than one month or more than two months) beginning on the date of the declaration of the result of the initial poll, as may be provided by the scheme.

(3) A declaration by the Department, contained in an order approving a scheme under Part II or III, that the scheme is a substitutional scheme shall be conclusive evidence of that fact.

(4) For the purposes of a scheme under Part II or III, every person whose business it is to keep livestock for the purpose of breeding from it or selling it in an improved condition shall, except in so far as the scheme otherwise provides, be deemed to produce it.

(5) References in this Order to the interests of consumers of a regulated or a specified product shall be construed as references to the interests of persons who purchase the product, or goods produced wholly or partly therefrom, for their own consumption or use and not to the interests of persons who purchase the product, or such goods as aforesaid, for the purpose of any trade or industry carried on by them.

F1 1954 c. 33 (NI)

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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