



Farm and Garden Chemicals Act 1967

1967 CHAPTER 50

3 Transactions in unlabelled products

- (1) Subject to the provisions of this section, no person shall (whether personally or by another, and whether on his own behalf or as servant or agent for another)—
- (a) sell, or offer or expose for sale, for use in agriculture or gardening for protecting, or controlling the growth of, plants or for destroying weeds, any product required by regulations under this Act to be labelled or accompanied by a label; or
 - (b) consign or deliver any such product with a view to or in connection with its sale for such use;

unless the requirements of the regulations under this Act which are applicable to the transaction in question are complied with, and, if he does so, he shall be guilty of an offence.

- (2) Subject as aforesaid, any person who causes or permits another person to contravene the provisions of the foregoing subsection shall be guilty of an offence.
- (3) Any person guilty of an offence under this section shall be liable on summary conviction, in the case of a first conviction of such an offence, to a fine not exceeding one hundred pounds and, in the case of a second or subsequent conviction thereof, to a fine not exceeding two hundred pounds.
- (4) A person shall not be guilty of an offence under this section consisting of consigning or delivering, or causing or permitting the consignment or delivery of, a product by reason only that he was a carrier of the product for another person, whether for reward or otherwise.
- (5) It shall be a defence for a person charged with an offence under this section to prove that he used all due diligence to secure compliance with this section.
- (6) Where a contravention of subsection (1) or (2) of this section by a person was due to an act or default of another person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with, and convicted of, the contravention and shall, on conviction, be liable to the punishment prescribed by subsection (3) of this section.

Status: This is the original version (as it was originally enacted).

- (7) For the purposes of this section any product commonly used in agriculture or gardening for protecting, or controlling the growth of, plants or for destroying weeds shall, if sold or offered or exposed for sale, or consigned or delivered with a view to or in connection with its sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale for such use.