



Agriculture Act 1970

1970 CHAPTER 40

PART IV

FERTILISERS AND FEEDING STUFFS

Obligations relating to material sold and prepared for sale.

68 Duty of seller to give statutory statement.

- (1) Subject to the provisions of this section, a person who sells material of a prescribed description for use as a fertiliser or feeding stuff shall give to the purchaser a statement in writing (in this Part of this Act referred to as a statutory statement) in such form, if any, as may be prescribed containing—
- (a) such particulars as may be prescribed of the nature, substance or quality of the material; and
 - (b) such information or instructions as to the storage, handling or use of the material as may be prescribed.

[^{F1}(1A) A person selling material for use as feeding stuff may, in conjunction with the matters required by virtue of subsection (1) of this section, include in the statutory statement given under the said subsection (1) only such additional particulars, information or instructions as may be prescribed, and any such seller giving a statutory statement including additional particulars, information or instructions other than those prescribed shall be liable on summary conviction to a fine not exceeding [^{F2}level 2 on the standard scale].]

- (2) Subsection (1) of this section shall not apply—
- (a) to sales of two or more materials which are mixed at the request of the purchaser before delivery to him; or
 - (b) to sales of small quantities (that is to say, sales in quantities of not more than fifty-six pounds or the prescribed metric substitution) if the material sold is taken in the presence of the purchaser from a parcel bearing a conspicuous label on which are marked in the prescribed manner the matters which would,

Status: Point in time view as at 01/01/2005.

*Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross
Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)*

apart from this subsection, be required to be contained in a statutory statement on the sale of the material.

- (3) Any statutory statement required to be given on the sale of any material shall be given not later than the time when the material is delivered to the purchaser and, if given before that time, shall be deemed to have been given at that time; but regulations may permit the statutory statement to be given later in such cases and subject to compliance with such conditions, if any, as may be specified in the regulations.
- (4) Any person who—
- (a) fails to give a statutory statement within the time or in the form required by or under this section, or gives a statutory statement which does not contain all or any of the information or instructions required to be contained in it by virtue of subsection (1)(b) of this section; or
 - (b) gives a statutory statement which, as respects a sampled portion of the material—
 - (i) does not contain all or any of the particulars required to be contained in the statement by virtue of subsection (1)(a) of this section; or
 - ^{F3}(ii) contains any such particulars or, in the case of feeding stuffs, any of the additional particulars permitted to be contained in the statutory statement by virtue of subsection (1A) of this section, which are false to the prejudice of purchaser.]
 - (c) sells or exposes for sale material from a parcel purporting to be labelled as mentioned in subsection (2)(b) of this section in a case where the label does not contain all or any of the said particulars or contains any such particulars which are false as aforesaid,
- shall be liable on summary conviction to a fine not exceeding ^{F4}level 5 on the standard scale] or, on a second or subsequent conviction under this subsection, to a fine not exceeding ^{F4}level 5 on the standard scale] or imprisonment for a term not exceeding three months or both.
- (5) In proceedings for an offence under paragraph (b) of subsection (4) of this section the fact that any particulars ought to have been included or are false shall be proved by evidence of the result of an analysis of the sample taken from the portion in question; and in proceedings for an offence under paragraph (c) of that subsection the fact that any particulars ought to have been included or are false shall be proved by evidence of the result of an analysis of a sample taken by an inspector in the prescribed manner from the material sold or, where the alleged offence is exposing for sale, from the parcel bearing the label.
- (6) Failure to comply with this section shall not invalidate a contract of sale; and a statutory statement shall, notwithstanding any contract or notice to the contrary, have effect as a warranty by the person who gives it that the particulars contained in it are correct; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of that warranty.

Subordinate Legislation Made

- P1** S. 68: for previous exercises of power see Index to Government Orders
- P2** S. 68(1)(1A)(3): s. 74(A) (with ss. 66(1), 68(1)(1A)(3), 69(1)(3)(6)(7), 70(1), 73(3), 74(1) and 84) power exercised by [S.I. 1991/1475](#)
- P3** S. 68(1)(2)(3): s. 84 (with ss. 66(1), 68(1)(2)(3), 69(1)(3)(6)(7), 70(1), 74(1), 74A(1)(2)(4)) power exercised by [S.I.1991/2197](#)

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

- P4** S. 68: S. 74A (with ss. 66(1), 68(1)(1A) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A and 84) power exercised by [S.I.1991/2840](#)

Textual Amendments

- F1** S. 68(1A) inserted by [S.I. 1982/980, reg. 5\(1\)](#)
- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\), arts. 5, 6](#)
- F3** S. 68(4)(b)(ii) substituted by [S.I. 1982/980, reg. 5\(2\)](#)
- F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289E–289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\), arts. 5, 6](#)

Modifications etc. (not altering text)

- C1** S. 68(2) modified (E.) (29.10.2000) by [S.I. 2000/2481, reg. 3\(2\)](#); (S.) (31.1.2001) by [S.S.I. 2000/453, reg. 3\(3\)](#)
s. 68(2) modified (W.) (1.3.2001) by [S.I. 2001/343, reg. 3\(2\)](#)
- C2** S. 68(2)(b) modified: (N.I.) by [S.R. 1982/338](#) (which S.R. was revoked (N.I.) (2.8.1999) by [S.R. 1999/296, reg. 9](#)); (E.W.S.) by [S.I. 1982/1144, reg. 9\(b\)](#) (which S.I. was revoked (E.W.S.) (6.7.1999) by [S.I. 1999/1663, reg. 10](#)); (N.I.) by [S.R. 1990/286, reg. 12\(b\)](#) (which S.R. was revoked (N.I.) (18.5.1992) by [S.R. 1992/187, reg. 13](#) (with [reg. 1\(2\)](#))); (E.W.S.) by [S.I. 1990/887, reg. 12\(b\)](#) (which S.I. was revoked (E.W.S.) (1.11.1991) by [S.I. 1991/2197, reg. 13](#) (with [reg. 1\(2\)](#))); (E.W.S.) (1.11.1991) by [S.I. 1991/2197, reg. 12\(b\)](#) (with [reg. 1\(2\)](#)) (which modification was continued (E.W.S.) (6.7.1999) by [S.I. 1999/1663, reg. 9\(b\)](#)); (N.I.) (18.5.1992) by [S.R. 1992/187, reg. 12\(b\)](#) (with [reg. 1\(2\)](#)) (which modification was continued (N.I.) (2.8.1999) by [S.R. 1999/296, reg. 8\(b\)](#))
- C3** S. 68(4): in relation to liability on first and subsequent convictions, [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 35](#) applies (E.W.), [S.I. 1984/703 \(N.I. 3\) art. 9](#) applies (N.I.) and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289E, s. 54](#) applies (S.)

69 Marking of material prepared for sale.

- (1) Subject to the provisions of this section, a person who has material of a prescribed description on his premises for the purpose of selling it in the course of trade for use as a fertiliser or feeding stuff shall—
- as soon as practicable after it is made ready for sale, or
 - if it is ready for sale when it comes on to the premises and is not then already marked as required by this section, as soon as practicable after it comes on to the premises,
- and in either case before it is removed from the premises, mark it in such manner, if any, as may be prescribed with the matters required to be contained in a statutory statement relating to that material, and shall secure that the material continues to be so marked until it leaves the premises.
- (2) For the purposes of the foregoing subsection material which is normally packed before being delivered to a purchaser shall not be treated as ready for sale until it is so packed if the packing takes place on the premises where the material is manufactured but, if the packing takes place elsewhere, shall be treated as ready for sale when it is ready for packing.
- (3) In the case of material which has been imported, subsections (1) and (2) of this section shall have effect subject to such modifications as may be prescribed.

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

- (4) Where, at a time when subsection (1) of this section applies to any person, that person has on his premises for the purpose of selling it as mentioned in that subsection any material to which that subsection applies which is ready for sale and which—
- (a) is not marked in the manner required by or under this section; or
 - (b) is not marked with all the information or instructions referred to in section 68(1)(b) of this Act with which it is required by this section to be marked; or
 - (c) is marked with a mark which, as respects a sampled portion of the material—
 - (i) does not contain all the particulars referred to in section 68(1)(a) of this Act with which the material is required by this section to be marked; or
 - (ii) contains any such particulars which are false to the prejudice of a purchaser,
 that person shall be liable on summary conviction to a fine not exceeding [^{F5}level 5 on the standard scale], or, on a second or subsequent conviction under this subsection, to a fine not exceeding [^{F5}level 5 on the standard scale] or imprisonment for a term not exceeding three months or both; but, except where the time in question is the time of the removal of the material from the premises, it shall be a defence for a person charged with an offence under this subsection to show that it was not practicable for the material to be marked in accordance with the requirements of this section by the time in question.
- (5) In proceedings for an offence under subsection (4)(c) of this section the fact that any particulars ought to have been included or are false shall be proved by evidence of the result of an analysis of the sample taken from the portion in question.
- (6) Regulations may provide for enabling the matters required by this section to be marked on any material to be denoted by a mark whose meaning can be ascertained by reference to a register kept in such manner and form as may be specified in the regulations; and any material marked in accordance with the regulations shall be treated for the purposes of this Part of this Act as marked with the matters which the mark denotes.
- (7) A person keeping a register pursuant to regulations under subsection (6) of this section shall preserve the register for such period as may be prescribed and a person who has such a register in his possession or under his control shall on demand by an inspector produce it for his inspection and allow him to take copies of it; and any person who fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding [^{F6}level 3 on the standard scale].

Subordinate Legislation Made

- P5** S. 69: for previous exercises of this power see Index to Government Orders
- P6** S. 69(1)(3)(6)(7): s. 74(A) (with ss. 66(1), 68(1)(1A)(3), 69(1)(3)(6)(7), 70(1), 73(3), 74(1) and 84) power exercised by [S.I. 1991/1475](#)
- P7** S. 69(1)(3)(6)(7): S. 84 (with ss. 66(1), 68(1)(2)(3), 69(1)(3)(6)(7), 70(1), 74(1), 74A(1)(2)(4)) power exercised by [S.I.1991/2197](#)
- P8** S. 69: S. 74A (with ss. 66(1), 68(1)(1A) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A and 84) power exercised by [S.I. 1991/2840](#)

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

Textual Amendments

- F5** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)
- F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

Modifications etc. (not altering text)

- C4** S. 69(1) modified: by [S.I. 1977/1489, reg. 9\(c\)](#) (which S.I. was revoked by [S.I. 1990/887, reg. 13](#); (N.I.) by [S.R. 1988/188, regs. 22, 23](#) (which S.R. was revoked by [S.R. 1992/270, reg. 24](#)); (N.I.) by [S.R. 1990/286, reg. 9\(c\)](#) (which S.R. was revoked (18.5.1992) by [S.R. 1992/187, reg. 13](#); by [S.I. 1990/887, reg. 9](#) (which S.I. was revoked by [S.I. 1991/2197, reg. 13](#) (with [reg. 1\(2\)](#)); by [S.I. 1991/2197, reg. 9\(c\)](#); (22.1.1992) by [S.I. 1991/2840, reg. 20\(1\)](#) (with [reg. 22](#)) (which S.I. was revoked (30.6.1995) by [S.I. 1995/1412, reg. 25](#) (with [reg. 23](#))); (N.I.)(18.5.1992) by [S.R. 1992/187, reg. 9](#) (with [reg. 1\(2\)](#)); (N.I.)(27.7.1992) by [S.R. 1992/270, reg. 20\(2\)](#)(with [reg. 22](#))(which S.R. was revoked (15.1.1996) by [S.R. 1995/451, reg. 25](#) (with [reg. 23](#))); (30.6.1995) by [S.I. 1995/1412, reg. 21](#) (which S.I. was revoked (E.)(29.10.2000) by [S.I. 2000/2481, reg. 26](#) and (S.)(31.1.2001) except insofar as it made modifications to [1970 c. 40](#)) by [S.S.I. 2000/453, reg. 26](#)); (N.I.)(15.1.1996) by [S.R. 1995/451, reg. 21](#); (E.)(29.10.2000) by [S.I. 2000/2481, reg. 21](#); (S.)(31.1.2001) by [S.S.I. 2000/453, reg. 21](#); (W.)(1.3.2001) by [S.I. 2001/343, reg. 19\(1\)](#)
- C5** S. 69(4): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 35](#) (in relation to liability on first and subsequent convictions) applies (E.W.) and [S.I. 1984/703 \(N.I. 3\)](#), [art. 9](#) (in relation to liability on first and subsequent convictions) applies (N.I.)
- C6** S. 69(4): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289E](#) (in relation to liability on first and subsequent convictions), applies (S.)

70 Use of names or expressions with prescribed meanings.

- (1) Subject to the provisions of this section, where a person sells for use as a fertiliser or feeding stuff any material—
- which he describes, in a statutory statement or any document given by him to the purchaser in connection with the sale, by a name or expression to which a meaning has been assigned by regulations made for the purposes of this section; or
 - which is marked with such a name or expression as aforesaid,
- there shall, notwithstanding any contract or notice to the contrary, be implied a warranty by the seller that the material accords with that meaning; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of that warranty.
- (2) Subject to the provisions of this section, where a person—
- sells for use as a fertiliser or feeding stuff any material—
 - which he describes, in such a statement or document as is mentioned in subsection (1) of this section, by such a name or expression as is there mentioned; or
 - which is marked with such a name or expression as aforesaid; or
 - has on his premises for the purpose of selling it in the course of trade for such use any material which is ready for sale and marked as aforesaid,

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

then, if a sampled portion of the material fails, to the prejudice of a purchaser, to accord with the meaning which has been assigned to that name or expression, he shall be liable on summary conviction to a fine not exceeding [F7level 5 on the standard scale] or, on a second or subsequent conviction under this subsection, to a fine not exceeding [F7level 5 on the standard scale] or imprisonment for a term not exceeding three months or both.

- (3) In the case of any material which has been imported subsections (1) and (2) of this section shall have effect subject to such modifications as may be prescribed.
- (4) In proceedings for an offence under subsection (2) of this section the fact that a sampled portion of any material fails to accord with the meaning in question shall be proved by evidence of the result of an analysis of the sample taken from that portion.
- (5) For the purposes of this section material shall be treated as marked whether the mark is on the material itself, on a label attached to the material, on a package or container enclosing the material or, in a case within subsection (2)(b) of this section, in such a place on the premises in question that it is likely to be taken as referring to the material.

Subordinate Legislation Made

- P9** S. 70: for previous exercises of this power see Index to Government Orders
- P10** S. 70(1): s. 74A (with ss. 66(1), 68(1)(1A)(3), 69(1)(3)(6)(7), 70(1), 73(3), 74(1) and 84) power exercised by [S.I. 1991/1475](#)
- P11** S. 70(1): s. 84 (with ss. 66(1), 68(1)(2)(3), 69(1)(3)(6)(7), 70(1), 74(1), 74A(1)(2)(4)) power exercised by [S.I.1991/2197](#)
- P12** S. 70: s. 74A (with ss. 66(1), 68(1)(1A) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A and 84) power exercised by [S.I.1991/2840](#)

Textual Amendments

- F7** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

Modifications etc. (not altering text)

- C7** S. 70(2): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 35** (in relation to liability on first and subsequent convictions) applies (E.W.) and [S.I. 1984/703 \(N.I. 3\)](#), **art. 9** (in relation to liability on first and subsequent convictions) applies (N.I.)
- C8** S. 70(2): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289E** (in relation to liability on first and subsequent convictions), applies (S.)

71 Particulars to be given of certain attributes if claimed to be present.

- (1) A person shall not—
 - (a) sell for use as a fertiliser or feeding stuff any material—
 - (i) which he describes, in a statutory statement or any document given by him to the purchaser in connection with the sale, as having any attribute prescribed for the purposes of this section (not being an attribute of which particulars are required to be contained in the statutory statement); or
 - (ii) which is marked with a statement that it has any such attribute; or

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

- (b) have on his premises for the purpose of selling it in the course of trade for such use any material which is ready for sale and marked as aforesaid, unless the statement, document or mark, as the case may be, also states such particulars of that attribute as may be prescribed.
- (2) Any person who—
- (a) fails to comply with subsection (1) of this section; or
- (b) in purported compliance with that subsection describes or marks any material with particulars which, as respects a sampled portion of that material, are false to the prejudice of a purchaser,
- shall be liable on summary conviction to a fine not exceeding [^{F8}level 5 on the standard scale] or, on a second or subsequent conviction under this subsection, to a fine not exceeding [^{F8}level 5 on the standard scale] or imprisonment for a term not exceeding three months or both.
- (3) In proceedings for an offence under subsection (2)(b) of this section the fact that any particulars are false as respects a sampled portion of any material shall be proved by evidence of the result of an analysis of the sample taken from that portion.
- (4) Failure to comply with subsection (1) of this section shall not invalidate a contract of sale; and on the sale of any material in relation to which particulars are or purport to be stated as required by that subsection there shall, notwithstanding any contract or notice to the contrary, be implied a warranty by the seller that the particulars are correct; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of that warranty.
- (5) For the purposes of this section material shall be treated as marked whether the mark is on the material itself, on a label attached to the material, on a package or container enclosing the material or, in a case within subsection (1)(b) of this section, in such a place on the premises in question that it is likely to be taken as referring to the material.

Textual Amendments

- F8** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

Modifications etc. (not altering text)

- C9** S. 71(2): [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#), [s. 35](#) (in relation to liability on first and subsequent convictions) applies (E.W.) and [S.I. 1984/703 \(N.I. 3\)](#), [art. 9](#) (in relation to liability on first and subsequent convictions) applies (N.I.)
- C10** S. 71(2): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289E](#) (in relation to liability on first and subsequent convictions), applies (S.)

72 Warranty of fitness of feeding stuff.

- (1) On the sale of any material for use as a feeding stuff there shall be implied a warranty by the seller that the material is suitable to be used as such; but—
- (a) if the material is sold as suitable only for animals of a particular description, no warranty shall be implied by virtue of this subsection that the material is suitable for other animals; and

Status: Point in time view as at 01/01/2005.

*Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross
Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)*

- (b) if the material is sold to be used as a feeding stuff only after being mixed with something else, no warranty shall be implied as aforesaid that the material is suitable to be so used without being so mixed.
- (2) On the sale of any material of a prescribed description for use as a feeding stuff there shall be implied a warranty by the seller that the material does not, except as stated in the statutory statement, contain any ingredient prescribed for the purposes of this subsection.
- (3) This section shall have effect notwithstanding any contract or notice to the contrary; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of such a warranty as is referred to in subsection (1) or (2) of this section.

73 Deleterious ingredients in feeding stuff.

- (1) Subject to the provisions of this section, any person who—
 - (a) sells any material for use as a feeding stuff; or
 - (b) has on his premises for the purpose of selling it in the course of trade for such use any material which is ready for sale,

shall be guilty of an offence if a sampled portion of the material is shown by an analysis of the sample taken from it to contain any ingredient which is deleterious to animals of any description prescribed for the purpose of the definition of “feeding stuff” in section 66(1) of this Act [^{F9}or deleterious to pet animals or, through the consumption of products of an animal fed with the material, deleterious to human beings.].

- [^{F10}(2) If in proceedings for an offence under subsection (1) of this section the person charged proves that he sold the material in question or, in a case under paragraph (b) of that subsection that he intended to sell it, as suitable only for animals of a specified kind, then—
 - (a) in the case of proceedings for an offence of selling, or having for sale, material which is deleterious to animals he shall not be convicted by reason of the fact that a sampled portion of the material contains an ingredient which is deleterious only to animals of a kind different from that specified;
 - (b) in the case of proceedings for an offence of selling, or having for sale, material which is deleterious to human beings, he shall not be convicted by reason of the fact that a sampled portion of the material contains an ingredient which is deleterious to human beings only if fed to animals of a kind different from that specified; and
- (2A) If in proceedings for an offence under subsection (1) of this section the person charged proves that he sold the material in question or, in a case under paragraph (b) of that subsection that he intended to sell it, for use in accordance with written instructions given by him to the purchaser he shall not be convicted by reason of the fact that the sampled portion of the material contains an ingredient which is deleterious only if used otherwise than in accordance with those instructions.]
- (3) For the purposes of this section it shall be presumed, until the contrary is proved—
 - (a) that any substance prescribed for the purposes of this subsection, or
 - (b) in such cases as may be so prescribed, that any substance so prescribed if present in a sampled portion of any material to an amount exceeding such quantity as may be so prescribed.

is an ingredient which is deleterious to animals of any such description as aforesaid in relation to which that substance is so prescribed,

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

- (4) A person guilty of an offence under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding [^{F11}level 5 on the standard scale] or, on a second or subsequent conviction under that subsection, to a fine not exceeding [^{F11}level 5 on the standard scale] or imprisonment for a term not exceeding three months or both.

[^{F12}(5) Nothing in this section applies to any person to whom Article 15.1 of Regulation (EC) No. 178/2002 applies.]

Subordinate Legislation Made

P13 S. 73: for previous exercises of this power see Index to Government Orders

P14 S. 73(3): s. 74A (with ss. 66(1), 68(1)(1A)(3), 69(1)(3)(6)(7), 70(1), 73(3), 74(1) and 84) power exercised by [S.I.1991/1475](#)

Textual Amendments

F9 Words added by [S.I. 1982/980, reg. 6\(1\)](#)

F10 S. 73(2)(2A) substituted for subsection (2) by [S.I. 1982/980, reg. 6\(2\)](#)

F11 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c.48, SIF 39:1\), ss. 38, 46, \(S.\) Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289E–289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\), arts. 5, 6](#)

F12 S. 73(5) added (E.W.S.) (1.1.2005) by [Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations 2004 \(S.I. 2004/3254\), regs. 1, 11](#); and s. 73(5) added (N.I.) (1.1.2005) by [The Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/506\), regs. 1\(1\), 11](#)

Modifications etc. (not altering text)

C11 S. 73 modified (E.) (29.10.2000) by [S.I. 2000/2481, reg. 20\(3\)](#)

s. 73 modified (W.) (1.3.2001) by [S.I. 2001/343, reg. 18\(3\)](#)

C12 S. 73(1) modified (S.) (31.1.2001) by [S.S.I. 2000/453, reg. 20\(2\)](#)

C13 S. 73(4): in relation to liability on first and subsequent convictions, [Criminal Justice Act 1982 \(c.48, SIF 39:1\), s. 35](#) applies (E.W.) and [S.I. 1984/703 \(N.I. 3\) art. 9](#) applies (N.I.)

C14 S. 73(4): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289E](#) (in relation to liability on first and subsequent convictions), applies (S.)

[^{F13} 73A

(1) Subject to the provisions of this section, any person who—

(a) sells any material for use as a feeding stuff, or

(b) has on his premises, for the purpose of selling it in the course of trade for such use, any material which is ready for sale,

shall be guilty of an offence if the material is found, or if a sampled portion of the material is shown by an analysis of the sample taken from it, to be unwholesome for or to be dangerous to animals of any description prescribed for the purpose of definition of “feeding stuff” in section 66(1) of this Act, or to be unwholesome for or to be dangerous to, pet animals or, through the consumption of the products of an animal fed with the material, dangerous to human beings.

- (2) If in proceedings for an offence under subsection (1) of this section the person charged proves that he sold the material in question or, in a case under paragraph (b) of that subsection, that he intended to sell it, as suitable only for animals of a specified kind, then—

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

- (a) in the case of proceedings for an offence of selling, or having for sale, material which is unwholesome for, or dangerous to animals he shall not be convicted by reason of the fact that the material is found, or a sampled portion of it is shown, to be unwholesome only for or, as the case may be, dangerous only to animals of a kind different from that specified;
- (b) in the case of proceedings for an offence of selling, or having for sale, material dangerous to human beings, he shall not be convicted by reason of the fact that the material is found, or the sampled portion of it is shown, to be dangerous to human beings only if fed to animals of a kind different from that specified.
- (3) If in proceedings for an offence under subsection (1) of this section the person charged proves that he sold the material or, in a case under paragraph (b) of that subsection, that he intended to sell it for use in accordance with written instructions given by him to the purchaser he shall not be convicted by reason of the fact that the material is found, or the sampled portion of it is shown, to be unwholesome or, as the case may be, dangerous only if used otherwise than in accordance with the instructions given.
- (4) A person guilty of an offence under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding £400 or imprisonment for a term not exceeding three months or both.]
- [^{F14}(5) Nothing in this section applies to any person to whom Article 15.1 of Regulation (EC) No. 178/2002 applies.]

Textual Amendments

F13 S. 73A inserted by S.I. 1982/980, **reg. 7**

F14 S. 73A(5) added (E.W.S.) (1.1.2005) by Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations 2004 (S.I. 2004/3254), regs. 1, **11**; and s. 73A(5) added (N.I.) (1.1.2005) by The Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations (Northern Ireland) 2004 (S.R. 2004/506), regs. 1(1), **11**

Modifications etc. (not altering text)

C15 S. 73A modified (E.) (29.10.2000) by S.I. 2000/2481, **reg. 20(3)**

s. 73A modified (W.) (1.3.2001) by S.I. 2001/343, **reg. 18(3)**

C16 S. 73A(1) modified (S.) (31.1.2001) by S.S.I. 2000/453, **reg. 20(2)**

74 Limits of variation.

- (1) No action shall lie on any warranty arising under the foregoing provisions of this Part of this Act for any mis-statement as to the nature, substance or quality of any material if the mis-statement does not exceed any limits of variation prescribed in relation thereto for the purposes of this section; but if the mis-statement exceeds any such limits the purchaser's rights under the warranty shall not be affected by the limits.
- (2) Particulars with respect to any material which are contained in a statutory statement or in any document, or which are marked on, or denoted by a mark on, the material, shall not for the purposes of this Part of this Act be treated as false by reason of any mis-statement therein as to the nature, substance or quality of the material if the mis-statement does not exceed the said limits of variation.

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

Subordinate Legislation Made

- P15** S. 74: for previous exercises of this power see Index to Government Orders
- P16** S. 74(1): s. 74A (with ss. 66(1), 68(1)(1A)(3), 69(1)(3)(6)(7), 70(1), 73(3), 74(1) and 84) power exercised by [S.I. 1991/1475](#)
- P17** S. 74(1): s. 84 (with ss. 66(1), 68(1)(2)(3), 69(1)(3)(6)(7), 70(1), 74(1), 74A (1)(2)(4)) power exercised by [S.I.1991/2197](#)
- P18** S. 74(1): S. 74A (with ss. 66(1), 68(1)(1A) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A and 84) power exercised by [S.I.1991/2840](#)

Modifications etc. (not altering text)

- C17** Pt. IV amendment to earlier affecting provision SI 1999/2325 reg. 7 (W.) (1.5.2003) by [The Feeding Stuffs \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/989\)](#), regs. 1(1), **7**
- C18** Pt. IV amendment to earlier affecting provision SI 1999/2325 reg. 7 (E.) (1.8.2003) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(England\) Regulations 2003 \(S.I. 2003/1503\)](#), regs. 1(2), **17**
- C19** Pt. IV amendment to earlier affecting provision SI 1999/2325 reg. 7 (W.) (1.8.2003) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/1850\)](#), regs. 1(2), **17**
- C20** Pt. IV amendment to earlier affecting provision SI 1999/2325 reg. 7 (W.) (3.12.2003) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) \(No.2\) Regulations 2003 \(S.I. 2003/3119\)](#), regs. 1(2), **8**
- C21** Pt. IV amendment to earlier affecting provision SI 1999/2325 reg. 7 (E.) (8.12.2003) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(England\) \(No.2\) Regulations 2003 \(S.I. 2003/2912\)](#), regs. 1, **8**
- C22** Pt. IV amendment to earlier affecting provision SI 1999/2325 reg. 7 (E.) (1.6.2004) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(England\) Regulations 2004 \(S.I. 2004/1301\)](#), regs. 1, **8**
- C23** Pt. IV amendment to earlier affecting provision SI 1999/2325 reg. 7 (W.) (9.7.2004) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1749\)](#), regs. 1, **8**
- C24** Pt. IV amendment to earlier affecting provision SI 1999/2325 reg. 7 (W.) (24.11.2004) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) \(No. 2\) Regulations 2004 \(S.I. 2004/3091\)](#), regs. 1, **5(2)**
- C25** S. 74(2) modified (E.) (29.10.2000) [S.I. 2000/2481](#), **reg. 7(1)**
s. 74(2) modified (W.) (1.3.2001) by [S.I. 2001/343](#), **reg. 7(1)**
- C26** S. 74(2) amendment to earlier affecting provision SI 2001/343 reg. 7(1) (W.) (1.5.2003) by [The Feeding Stuffs \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/989\)](#), regs. 1(1), **4**
- C27** S. 74(2) amendment to earlier affecting provision SI 2001/343 reg. 7(1) (W.) (1.8.2003) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/1850\)](#), regs. 1(2), **4**
- C28** S. 74(2) amendment to earlier affecting provision SI 2001/343 reg. 7(1) (W.) (3.12.2003) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) \(No.2\) Regulations 2003 \(S.I. 2003/3119\)](#), regs. 1(2), **3(2)**
- C29** S. 74(2) amendment to earlier affecting provision SI 2000/2481 reg. 7(1) (E.) (8.12.2003) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(England\) \(No.2\) Regulations 2003 \(S.I. 2003/2912\)](#), regs. 1, **3(2)**
- C30** S. 74(2) amendment to earlier affecting provision SI 2000/2481 reg. 7(1) (E.) (1.6.2004) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(England\) Regulations 2004 \(S.I. 2004/1301\)](#), regs. 1, **3(3)**

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

- C31** S. 74(2) amendment to earlier affecting provision SI 2001/343 reg. 7(1) (W.) (9.7.2004) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1749\)](#), regs. 1, **3(2)**
- C32** S. 74(2) amendment to earlier affecting provision SI 2001/343 reg. 7(1) (W.) (24.11.2004) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) \(No. 2\) Regulations 2004 \(S.I. 2004/3091\)](#), regs. 1, **3(3)**

[^{F15}74A

- (1) Regulations under this Part of this Act, with a view to controlling in the public interest the composition or content of fertilisers and of material intended for the feeding of animals, may make provision—
- (a) prohibiting or restricting, by reference to its composition or content, the importation into and exportation from the United Kingdom, the sale or possession with a view to sale, or the use, of any prescribed material;
 - (b) regulating the marking, labelling and packaging of prescribed material and the marks to be applied to any container or vehicle in which any prescribed material is enclosed or conveyed.
- (2) Regulations made under subsection (1) above with respect to any material may include provision excluding or modifying the operation in relation to that material of any other provision of this Part of this Act; but, subject to any provision so made, references in this Part of this Act to feeding stuffs shall apply to all material which is intended for the feeding of animals and with respect to which regulations are for the time being in force under that subsection.
- (3) Any person who contravenes any prohibition or restriction imposed by regulations under subsection (1) above, or fails to comply with any other provision of the regulations, shall be liable on summary conviction to a fine not exceeding [^{F16}level 5 on the standard scale] or, on a second or subsequent conviction, to a fine not exceeding [^{F16}level 5 on the standard scale] or to imprisonment for a term not exceeding three months, or to both.
- (4) With a view to implementing or supplementing any Community instrument relating to fertilisers or to material intended for the feeding of animals, regulations may provide for the application, in relation to any material specified in the regulations, of all or any of the provisions of this Part of this Act, subject to any modifications which may be so specified.]

Subordinate Legislation Made

- P19** S. 74A: s. 74A (with ss. 66(1), 67(5), 75(1), 76(1), 77, 78(2)(4)(6), 79(1)(2)(9) and 84) power exercised by [S.I. 1991/973](#)
S. 74A: s. 74A (with ss. 66(1), 68(1)(1A)(3), 69(1)(3)(6)(7), 70(1), 73(3), 74(1) and 84) power exercised by [S.I. 1991/1475](#)
- P20** S. 74A: for previous exercises of power see Index to Government Orders
- P21** S. 74A (with ss. 66(1), 75(1), 76(1), 77, 78(2), (4) and (6), 79(1), (2) and (9), 84 and 86(1), (2), (3) and (9)) power exercised by [S.R.1991/540](#)
- P22** S. 74A: S. 74A (with ss. 66(1), 68(1)(1A) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A and 84) power exercised by [S.I.1991/2840](#)
- P23** S. 74A(1)(2)(4): s. 84 (with ss. 66(1), 68(1)(2)(3), 69(1)(3)(6)(7), 70(1), 74(1), 74A(1)(2)(4)) power exercised by [S.I.1991/2197](#)

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale.. (See end of Document for details)

Textual Amendments

- F15** S. 74A inserted by [European Communities Act 1972 \(c. 68\)](#), [Sch. 4 para. 6](#)
- F16** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#) and (N.I.) 1984/703 (N.I. 3), arts. 5, 6

Modifications etc. (not altering text)

- C33** S. 74A(3) amendment to earlier affecting provision SI 2001/343 reg. 24(1) (W.) (1.5.2003) by [The Feeding Stuffs \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/989\)](#), regs. 1(1), [4](#)
- C34** S. 74A(3) amendment to earlier affecting provision SI 2001/343 reg. 24(1) (W.) (1.8.2003) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/1850\)](#), regs. 1(2), [7](#)
- C35** S. 74A(3) amendment to earlier affecting provision SI 2000/453 reg. 25 (S.) (1.8.2003) by [Feeding Stuffs \(Scotland\) Amendment \(No.2\) Regulations 2003 \(S.S.I. 2003/312\)](#), regs. 1(2), [6](#)
- C36** S. 74A(3) amendment to earlier affecting provision SI 2001/343 reg. 24(1) (W.) (3.12.2003) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) \(No.2\) Regulations 2003 \(S.I. 2003/3119\)](#), regs. 1(2), [3\(3\)](#)
- C37** S. 74A(3) amendment to earlier affecting provision SI 2000/2481 reg. 25(1) (E.) (8.12.2003) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(England\) \(No.2\) Regulations 2003 \(S.I. 2003/2912\)](#), regs. 1, [3\(3\)](#)
- C38** S. 74A(3) amendment to earlier affecting provision SI 2000/2481 reg. 25(1) (E.) (1.6.2004) by [Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(England\) Regulations 2004 \(S.I. 2004/1301\)](#), regs. 1, [3\(3\)](#)
- C39** S. 74A(3) amendment to earlier affecting provision SI 2001/343 reg. 24(1) (W.) (9.7.2004) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1749\)](#), regs. 1, [3\(3\)](#)
- C40** S. 74A(3) amendment to earlier affecting provision SI 2001/343 reg. 24(1) (W.) (24.11.2004) by [The Feeding Stuffs, the Feeding Stuffs \(Sampling and Analysis\) and the Feeding Stuffs \(Enforcement\) \(Amendment\) \(Wales\) \(No. 2\) Regulations 2004 \(S.I. 2004/3091\)](#), regs. 1, [3\(3\)](#)
- C41** S. 74A(3): in relation to liability on first and subsequent convictions, [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 35](#) applies (E.W.) and S.I. 1984/703 (N.I. 3) art. 9 applies (N.I.)
- C42** S. 74A(3): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289E](#) (in relation to liability on first and subsequent convictions), applies (S.)
- C43** S. 74A(3) modified: (E.) (29.10.2000) by S.I. 2000/2481, [reg. 25](#); (S.) (31.1.2001) by S.S.I. 2000/453, [reg. 25](#) (as amended (1.7.2002) by S.S.I. 2002/285 reg. 5)
s. 74A(3) modified (W.) (1.3.2001) by S.I. 2001/343, [reg. 24](#)

Status:

Point in time view as at 01/01/2005.

Changes to legislation:

There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Obligations relating to material sold and prepared for sale..