



# Agriculture Act 1993

## 1993 CHAPTER 37

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Other miscellaneous provisions*

#### **56 Commercial activities of milk marketing boards: distribution of profits**

- (1) It shall be deemed to be an overriding requirement of a milk marketing scheme that any distribution in respect of profits attributable to any relevant commercial activities shall be made so as not to discriminate, as between persons who are registered as producers under the scheme—
  - (a) by reference to the identity of the person to whom milk is sold, or
  - (b) by reference to whether milk is sold in the form of milk or in the form of a product which is wholly or partly derived from milk or which includes milk as an ingredient.
- (2) The powers conferred by a milk marketing scheme on the board administering the scheme shall be deemed to include whatever powers are necessary for the purpose of giving effect to the requirement under subsection (1) above.
- (3) For the purposes of subsection (1) above, the following are relevant commercial activities, namely—
  - (a) the separation of milk,
  - (b) the heat treatment of milk,
  - (c) the retail packaging of milk,
  - (d) the manufacture of milk products, and
  - (e) the provision of services for reward, otherwise than under the arrangements for the sale of milk to the board.
- (4) In that subsection, the reference to a milk marketing scheme is to a scheme having effect under—

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- (a) the Agricultural Marketing Act 1958, or
  - (b) the Agricultural Marketing (Northern Ireland) Order 1982,
- for the marketing of milk.

- (5) This section shall apply in relation to any distribution the amount of which is declared on or after the passing of this Act, irrespective of when the profits concerned were made.

**57 British Wool Marketing Board: power to grant relief**

For the purposes of section 727 of the Companies Act 1985 and Article 675 of the Companies (Northern Ireland) Order 1986 (power of court to grant relief in certain cases), the British Wool Marketing Board shall be treated as a company and its members shall be treated as officers of it.

**58 Annual report on matters relevant to price support**

- (1) The Ministers shall publish an annual report on such matters relevant to price support for agricultural produce as they consider appropriate and include in the report such account as they consider appropriate of developments in agricultural policy, so far as relevant to such matters.
- (2) In subsection (1) above, the reference to agricultural policy includes policy relating to agriculture and the environment.
- (3) In this section—
- “agriculture” and “agricultural” shall be construed in accordance with section 109(3) of the Agriculture Act 1947; and
  - “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with agriculture in Scotland, Wales and Northern Ireland acting jointly.

**59 Quota areas under the Potato Marketing Scheme**

- (1) Before 1st August in each year after such year as the Ministers may by order specify for the purposes of this subsection, the Joint Consultative Committee shall—
- (a) consider whether it is desirable to establish a target area to be used for planting potatoes in the following year, and
  - (b) if it considers that it is, shall determine what that target area is.
- (2) The area determined under subsection (1)(b) above shall not exceed such area as it is reasonable to expect will need to be planted in order to meet any likely demand.
- (3) Where the Joint Consultative Committee makes a determination under subsection (1)(b) above, it shall give written notice of it to the Board before the end of the period of one month beginning with the date of the determination.
- (4) Subsection (5) below applies where—
- (a) the Joint Consultative Committee has made a determination under subsection (1)(b) above in relation to a year and complied with subsection (3) above in relation to it,
  - (b) the Board has prescribed a quota area for the year under paragraph 1 of Schedule D to the Scheme, and

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- (c) the Joint Consultative Committee is not satisfied that the quota area for the year so prescribed by the Board is sufficient to achieve the target area determined in relation to it under subsection (1)(b) above.
- (5) The Joint Consultative Committee may by notice in writing to the Board require the Board to join with it in referring to the determination of an appropriate person the question of what is the lowest quota area for the year which may be prescribed under paragraph 1 of Schedule D to the Scheme consistently with achieving the area determined in relation to the year under subsection (1)(b) above.
- (6) The reference in subsection (5) above to an appropriate person is to a person appointed by the Joint Consultative Committee and the Board or, in default of agreement, appointed on the application of either of them by the Ministers.
- (7) Notice under subsection (5) above shall be given before the end of the period of one month beginning with the day on which the Board first prescribes a quota area for the year under paragraph 1 of Schedule D to the Scheme or, if later, the day on which the determination under subsection (1)(b) above is made.
- (8) If the Board so requires, a reference under subsection (5) above shall also include the question whether, having regard to subsection (2) above, the target area determined by the Joint Consultative Committee is justifiable.
- (9) Where a reference under subsection (5) above includes the question mentioned in subsection (8) above, the person to whom the reference is made shall only determine the question mentioned in subsection (5) above if he first determines in the affirmative the question mentioned in subsection (8) above.
- (10) Where a quota area is determined on a reference under subsection (5) above and that area exceeds the quota area for the time being prescribed by the Board for the year to which the reference relates, the Scheme shall have effect as if the quota area determined on the reference were the quota area for the year.
- (11) Subsection (10) above shall not affect the power of the Board under the proviso to paragraph 1(1) of Schedule D to the Scheme (power to raise quota area by an appropriate variation).
- (12) Where subsection (10) above applies, the Board shall send a statement of the outcome of the reference to every registered producer who may be concerned with it.
- (13) The Board shall keep a record of the outcome of references under subsection (5) above and the same arrangements shall apply with respect to the availability of the record for inspection, the supply of a copy of any entry in it and the making of extracts from it, as apply with respect to the record maintained by the Board under paragraph 91 of the Scheme (record of prescriptive resolutions).
- (14) In any proceedings of the Joint Consultative Committee for the purposes of this section, decisions shall be made by a majority of the members present, with the Chairman voting only in the event of a tie.
- (15) In this section—
- “the Board” means the Potato Marketing Board;
  - “the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly;
  - “the Scheme” means the Potato Marketing Scheme;

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“registered” means registered under the Scheme;  
and references to the Joint Consultative Committee are to the committee constituted under paragraph 24 of the Scheme.

**60 Agricultural development councils: levies**

- (1) Section 4 of the Industrial Organisation and Development Act 1947 (levies by development councils) shall, in the case of a development council order relating to agriculture, have effect subject to the following modifications.
- (2) In subsection (1)—
  - (a) after the words “made on” there shall be inserted “such persons as may be specified in the order, being”, and
  - (b) the words “on persons”, in the second place where they occur, shall be omitted.
- (3) After subsection (2) there shall be inserted—

“(2A) An order providing for such charges may contain provision—

  - (a) authorising such of the persons on whom the charges are imposed as may be specified in the order to recover all or part of the charges imposed on them from such other persons carrying on business in the industry as may be so specified; and
  - (b) authorising the deduction from the charges payable by the persons with such a right of recovery, or the repayment to them, of—
    - (i) such amounts as may be determined by or under the order in respect of expenses incurred by them in exercising that right, and
    - (ii) any sums which are, in accordance with provision made by or under the order, to be treated as irrecoverable.”
- (4) In subsection (3), after “incidence of the charges” there shall be inserted “, taking into account any provision made under subsection (2A) of this section,”.
- (5) For the purposes of subsection (1) above, a development council order shall be taken to relate to agriculture if any of the activities that are to be treated as constituting the industry to which the order relates is an agricultural activity.
- (6) In this section—

“agriculture” has the same meaning as in the Agriculture Act 1947, and  
“agricultural” shall be construed accordingly; and  
“development council order” means an order under the Industrial Organisation and Development Act 1947 establishing a development council.