



Agricultural Marketing Act 1958

1958 CHAPTER 47 6 and 7 Eliz 2

PART I

AGRICULTURAL MARKETING SCHEMES

*Submission and approval of schemes and procedure
for determining whether scheme to remain in force*

2 Approval of schemes.

- (1) Before approving a scheme submitted under the foregoing section, the Minister shall cause to be published, in the Gazette and in such other manner as he thinks best for informing persons affected, a notice—
 - (a) stating that the scheme has been submitted to him.
 - (b) specifying the place where copies of the scheme may be obtained, on payment of such fee as may be specified in the notice, and inspected, and
 - (c) specifying the period, which shall not be less than six weeks after the date of publication of the notice in the Gazette, within which objections and representations with respect to the scheme may be made.
- (2) Every objection shall be made to the Minister in writing and shall state the grounds of objection and the specific modifications required.
- (3) Where an objection has been duly made to a scheme by a person affected thereby and has not been withdrawn, the Minister, unless he considers the objection to be frivolous, or unless he proposes to modify the scheme to meet the objection, shall, before taking any further action under this section, direct a public inquiry to be held and consider the report of the person who held the inquiry.
- (4) After considering any scheme duly submitted to him under the foregoing section and any objections and representations duly made with respect thereto, and after holding such inquiries, if any, as he thinks fit or is required to hold under this section, the Minister may, subject to the following provisions of this section, make such modifications in the scheme as he thinks proper.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Marketing Act 1958, Section 2. (See end of Document for details)

- (5) No scheme shall be modified by the Minister so as to be applicable to any area to which it would not have been applicable without modification.
- (6) Before making any modifications in a scheme, the Minister shall give notice of the proposed modifications to such persons (not being less than nine nor more than twenty-one) as may be nominated for the purpose, at the time of the submission of the scheme, by the persons submitting the scheme, and unless, within four weeks after notice has been so given or such longer time as the Minister may allow, more than half the persons so nominated notify the Minister that they assent to the modifications, the Minister shall take no further action under this section.
- (7) If the Minister, after making such modifications, if any, as aforesaid, is satisfied that the scheme will conduce to the more efficient production and marketing of the regulated product, he may, subject to subsection (9) of this section, lay before Parliament a draft of the scheme, and if each House of Parliament resolves that the scheme shall be approved the Minister shall make an order approving the scheme in terms of the draft.
- (8) The Minister, on laying before Parliament a draft of a scheme under the last foregoing subsection, shall at the same time lay before Parliament—
 - (a) if the scheme is not a substitutional scheme, a report as to the evidence by which he has been satisfied for the purposes of subsection (1) of section one of this Act that the persons submitting the scheme were duly representative; or
 - (b) if the scheme is a substitutional scheme, a report showing that the provisions of subsection (4) of the said section one have been complied with.
- (9) A draft of a scheme which, by the terms of the draft, is to apply to Northern Ireland or any part thereof shall not be laid before either House of Parliament under subsection (7) of this section unless each House of the Parliament of Northern Ireland has resolved that it is expedient that a scheme in the terms of the draft should, if approved under the said subsection (7), extend to Northern Ireland.
- (10) If the draft of a scheme which, by the terms of the draft, is to be applicable to Northern Ireland or any part thereof has been laid before either House of the Parliament of Northern Ireland and that House has resolved that it is not expedient that the scheme should extend to Northern Ireland, the Minister may thereupon make in the draft of the scheme such modifications as are necessary in order to prevent the scheme applying to any part of Northern Ireland and such other modifications, being modifications consequential on the modifications aforesaid, as he may think fit; and subsection (6) of this section shall apply in relation to the modifications and they shall be taken into account by the Minister under subsection (7) of this section before he lays the draft of the scheme before Parliament.
- (11) Where the Minister has made an order under subsection (7) of this section approving a scheme, the scheme shall, subject to the provisions of this Part of this Act, come into force on such date as may be specified in the order, being a date after the latest date on which either House of Parliament resolves that the scheme shall be approved; and the making of the order shall be conclusive evidence that the requirements of this Act have been complied with and that the order and the scheme approved thereby have been duly made and approved and are within the powers conferred by this Act.
- (12) As soon as possible after making an order under subsection (7) of this section, the Minister shall cause the order to be published in the Gazette and in such other manner as he thinks best for informing persons affected.

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- (13) Any inquiry under this section shall be held by a competent and impartial person appointed by the Minister, and shall be held in accordance with rules made by the Minister for the purpose; and those rules may contain provisions as to the costs of the inquiry and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (14) Such expenses of any inquiry under this section as may be incurred by the Minister with the approval of the Treasury shall be defrayed out of moneys provided by Parliament.
- (15) A scheme may be amended [^{F1}revoked or consolidated] in accordance with the provisions of the First Schedule to this Act.

Textual Amendments

F1 Words substituted by [Agriculture Act 1986 \(c.49, SIF 2:1\)](#), s. 24(4), [Sch. 3 para. 1](#)

Changes to legislation:

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