

## SCHEDULE

### SCHEME UNDER THE AGRICULTURAL MARKETING ACTS, 1931 TO 1949, REGULATING THE MARKETING OF WOOL

## PART VI

### MARKETING PROVISIONS AND PRINCIPAL POWERS OF THE BOARD

#### *SUSPENSORY PERIOD*

**68.** The provisions of this Part of this Scheme shall come into force at the expiration of the Suspensory Period, that is to say, at the expiration of the 31st day after the day on which the result of the initial poll is declared to be favourable to the continuance in force of this Scheme.

#### *PROHIBITION OF SALES BY UNREGISTERED PRODUCERS*

**69.** A producer shall not sell any wool either in the United Kingdom or elsewhere, unless he is registered or exempt from registration.

#### *EXEMPTIONS*

**70.**—(1) The Board may from time to time prescribe that any description of producers, wool, or sales of wool, shall be exempt from such of the provisions of this Scheme as may be specified in the prescription.

(2) There shall be exempted from this part of the Scheme all sales of skin wool by a registered producer who is a fellmonger and has produced that skin wool in the course of his business as such.

#### *POWER TO REGULATE MARKETING*

**71.**—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, no registered producer shall sell any wool except through the agency of the Board, and the Board shall be entitled to receive the purchase price of all wool sold through their agency from the purchaser thereof.

(2) The Board may prescribe that registered producers or any class of registered producers shall sell wool or any description of wool only to the Board and if they so prescribe they may also (subject to the provisions of paragraph 72 of this Scheme) prescribe the terms on which such sales shall be made.

(3) Every registered producer shall comply with any directions of the Board as to the notice to be given to the Board of any wool for sale and as to the persons to whom and the places to which any wool for sale is to be delivered;

provided that the Board shall give due consideration to any application by registered producers (made upon such notice as the Board may require) as to the persons to whom or the places to which the wool is to be delivered.

(4) The Board may prescribe the manner in which wool for sale or any description or quantity thereof shall be adapted for sale, marked, packed, stored, transported or insured by registered producers.

(5) The Board may prescribe that no registered producer shall deliver any wool for sale or any description or quantity thereof except within such period after it is produced as the Board may prescribe, unless with the Board's consent. Any such consent may be given subject to such

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

conditions, including payment of such charges not exceeding sixpence per pound as the Board shall think appropriate.

**72.—**(1) For the purposes of this paragraph, a “year” means a year beginning on the first day of May, and “duly tendered” means adapted for sale, marked, packed, stored, transported and insured in accordance with any prescriptions of the Board and notified and delivered in accordance with any directions of the Board.

(2) The Board shall accept for sale, or by way of sale, as the case may be, all wool duly tendered by any registered producer and shall sell the same at such time or times and in such manner and to or through such persons (including the Board) as the Board may think fit.

(3) If any wool shall be duly tendered by any registered producer but, by reason of any request or direction of the Board to that effect shall not have been duly tendered before the 1st September in the year of production, the Board shall pay to the registered producer interest, at such rate as the Board may prescribe, on the value of that wool from the said 1st September until delivery of the wool shall be permitted or directed by the Board.

(4) At or before the beginning of each year the Board shall publish a schedule of maximum prices at which wool of each class specified in that schedule will be valued for the purpose of the following sub-paragraphs.

(5) As soon as practicable after any wool has been duly tendered by any registered producer or accepted for or by way of sale by the Board during the year the Board shall cause it to be valued having regard to the prescribed schedule of maximum prices and to the class or classes and the quality and condition of the wool and thereupon the Board shall notify the registered producer of the result of such valuation.

(6) The said valuation shall be conclusive as to the value of the wool unless within ten days after the receipt of the said notification the registered producer shall give notice of appeal against the valuation in such manner as the Board may prescribe, and in that case the matter shall be referred to a tribunal constituted in the manner described in paragraph 91 of this Scheme. The Tribunal shall thereupon decide the value and this decision shall be conclusive as to the value of the wool.

(7) When the value of the wool is finally decided the Board shall pay that amount to the producer.

(8) Subject to the provisions of any financial arrangement made with His Majesty's Government, the Board may if they think fit, pay to registered producers any supplementary sums for wool duly tendered during the year.

(9) The Board may deduct from and retain out of any sum payable to any registered producer any moneys due to the Board from that registered producer.

(10) The Board shall not be liable to account to any registered producer for the price of any wool except in accordance with the foregoing provisions of this paragraph, but subject to the provisions of any financial arrangement made with His Majesty's Government any sums received from the sale of wool remaining in the hands of the Board, after payment to registered producers of the amounts aforesaid and after payment of the Board's expenses and provision of any reserves deemed necessary by the Board, shall be taken into account by the Board in fixing the schedule of maximum prices for the following year.

#### MISCELLANEOUS POWERS

**73.—**(1) The Board may:—

- (a) Buy, sell, grade, pack, store, adapt for sale, insure, advertise and transport wool.
- (b) Manufacture or acquire, and sell or let for hire to registered producers and other persons anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of wool, and render to registered producers and other persons, on payment

or otherwise, any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of wool;

provided that any such thing sold or let for hire and any services rendered shall be sold, let for hire or rendered either exclusively or primarily in such circumstances as to be likely to be utilised either wholly or mainly by registered producers or in connection with wool produced by them.

(2) The Board may co-operate with any other person in doing any of the things aforesaid, and may do anything calculated to procure, promote or facilitate the doing by any other person of such things.

**74.** In exercise of the powers set out in paragraphs 70 to 73 of this Scheme, the Board shall have regard to any special conditions affecting the traditional woollen industries of the crofting Counties in Scotland.

**75.—(1)** The Board may:—

- (a) Furnish to registered producers, or publish in such manner as they think fit, market intelligence and other information likely to promote the efficient production and marketing of wool.
- (b) Encourage, promote, or conduct agricultural co-operation, research and education in connection with the production and marketing of wool.

(2) The Board may lend to any registered producer, on such security (if any) and on such terms as to interest and otherwise as they think fit, a portion not exceeding two-thirds of the amount which they estimate that he will receive from the sale of any wool produced or in course of production by him.

**76.** The Board may, subject to the provisions of any financial arrangement made with His Majesty's Government, set aside from the fund such sums as they may think fit for the provision of reserves for the operation of this Scheme but subject thereto any moneys standing to the credit of the fund which in the opinion of the Board are not required for the operation of this Scheme, shall be distributed in such manner as the registered producers in general meeting may determine.

#### *ESTIMATES AND RETURNS*

**77.** The Board may, when they consider it necessary for the operation of this Scheme so to do, serve on any registered producer a demand in writing requiring him to furnish to them, within such period and in such form and manner and through such channels as may be specified in the demand, such estimates, returns and other information relating to wool as may be so specified.

#### *INSPECTIONS*

**78.** Any person authorised in writing by the Board, may, for the purpose of securing compliance with this Scheme, enter and inspect at any reasonable time on production of his authority any part of the land or premises occupied by a registered producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing, marking, packing or storing wool, or adapting wool for sale.

#### *CONTRIBUTIONS BY REGISTERED PRODUCERS*

**79.** The Board may in any year ending on the 30th April by resolution require every registered producer to contribute to the fund a sum of such amount as may in the opinion of the Board be necessary for the operation of this Scheme not exceeding one penny per lb. of wool produced by him and accepted by the Board for sale or by way of sale during that year. Every such sum shall be a debt due to the Board.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

### COMPENSATION

**80.** Any registered producer who satisfies the Board, or establishes by arbitration in accordance with paragraph 90 of this Scheme, that he has suffered damage by reason of the Board treating him without due cause less favourably than it is their practice to treat other registered producers in like circumstances, shall be entitled to receive from the Board such sum by way of compensation as may be necessary to make good the damage.

### IMPOSITION AND RECOVERY OF PENALTIES AND LOSSES

- (a) **81.** (1) (a) If any registered producer contravenes the provisions of paragraph 71 of this Scheme, or of any prescription of the Board thereunder, then the Disciplinary Committee hereinafter described shall impose upon him and the Board shall recover from him such monetary penalty (not exceeding one hundred pounds plus half the price of any wool sold in contravention of the said provisions) as that Committee think just.
- (b) If any registered producer fails without reasonable excuse to comply with any demand made by the Board in pursuance of paragraph 77 of this Scheme, or if he knowingly makes any false statement in reply thereto, or if he obstructs or interferes with any person duly authorised by the Board under paragraph 78 of this Scheme, the said disciplinary committee shall impose upon such producer and the Board shall recover from him such monetary penalty (not exceeding one hundred pounds) as that Committee think just.
- (c) No such penalty shall be imposed in respect of such a contravention as aforesaid which constitutes an offence under any Act other than the Act of 1931.
- (a) (2) (a) There shall be a Committee of the Board, to be known as the Disciplinary Committee, constituted, at each sitting thereof, of not less than four nor more than six members of the Board and a Chairman who is not a member of the Board but is an independent person who is a barrister of not less than seven years' standing, an advocate of not less than seven years' standing, or a solicitor of not less than seven years' standing and is approved by the Minister.
- (b) No penalty shall be imposed on a registered producer pursuant to this paragraph except after a hearing by the said Committee and by the decision thereof, taken in accordance with the opinion of all or the majority of the members thereof, so however that if there is an equal division of opinion on any question, the opinion of the Chairman shall prevail.
- (c) Notice of the time and place of every such hearing and a written statement of the charge against the producer in question shall be served personally or by registered post on that producer not later than the fourteenth day before the day of the hearing.
- (d) No penalty shall be imposed for any contravention which occurred more than six years before the service of the said written statement of the charge.
- (e) Where such a written statement of a charge against a producer has been sent to or served on him as aforesaid and the charge is withdrawn or is not substantiated before the said Committee the Board shall have the power and to such extent as the Committee may decide the duty to make payments to the producer in respect of his costs in connection with the charge.
- (f) The said Committee, if they find that a contravention has occurred, may postpone the imposition of a penalty for a period not exceeding twelve months.
- (3) As soon as may be after every hearing by the Disciplinary Committee, written notice of their decision shall be sent to the registered producer in question, and he may, on or before the fourteenth day after the date on which the notice was so sent to him give notice to the Board referring the matter to arbitration under the provisions of this Scheme, and, if the matter is so referred, no proceedings shall be taken by the Board otherwise than for the purposes of the arbitration or to enforce the award

of the arbitrator; and the arbitrator may award payment by the producer of such penalty or other sums (if any) as he thinks just but not exceeding the maximum penalty or other sums respectively which could have been imposed or required by the Disciplinary Committee.

(4) The said Committee shall have the power to reconsider their decision in relation to the case of any registered producer if, upon considering any written application in that behalf by the registered producer in question made within six months after the date of the original hearing by the said Committee, the Committee are satisfied that:—

- (a) there may be facts relevant to the case other than the facts which were before the Committee at the original hearing; and
  - (b) if such other facts had previously been known to the Committee their decision would have been influenced thereby; and
  - (c) the matter has not been referred to arbitration pursuant to sub-paragraph (3) of this paragraph.
- (a) (5) (a) If the said Committee determine pursuant to the last preceding sub-paragraph of this paragraph to reconsider any case it shall be their duty to re-hear the case and if as a result they are of opinion that a substantial miscarriage of justice has occurred they shall vary the previous decision of the Committee and the Board shall thereupon give effect to any such variation.
- (b) the provisions of sub-paragraphs (2) (b) and (3) of this paragraph shall apply to every such re-hearing.

**82.** Subject as aforesaid every penalty imposed and every sum required to be paid by a decision of the disciplinary committee shall be a debt due to the Board and recoverable accordingly.