
STATUTORY INSTRUMENTS

1982 No. 1080

The Agricultural Marketing (Northern Ireland) Order 1982

PART III **N.I.**

AGRICULTURAL MARKETING SERVICE SCHEMES

Provisions which may or must be included in schemes

Constitution of boards to administer schemes **N.I.**

35.—(1) Every scheme shall constitute a board to administer the scheme.

(2) The provisions of Schedule 6 shall have effect with respect to the incorporation, constitution, registration and winding up of boards.

Enrolment of producers **N.I.**

36.—(1) Every scheme shall provide for the enrolment of any producer who—

- (a) has entered into such contracts for the sale to the board of the specified product as in accordance with the terms of the scheme qualify him for enrolment; and
- (b) complies with such other conditions as are specified in the scheme.

(2) Enrolment under a scheme of the name or style under which two or more persons carry on business in partnership as producers shall operate as the enrolment of all the partners for the time being; but for the purposes of the provisions of this Part and of the scheme which relate to elections, polls and voting at meetings, and to the assessment of contributions on enrolled producers, all the partners shall be treated as constituting together a single enrolled producer.

(3) Every scheme shall provide for the removal from the roll of producers of the names of persons who no longer fulfil the conditions referred to in paragraph (1).

Powers of boards **N.I.**

37.—(1) A scheme may provide—

- (a) for empowering the board to buy the specified product or goods wholly or partly manufactured or derived from that product, to produce goods wholly or partly manufactured or derived from that product, and to sell, grade, pack, store, adapt for sale, insure, advertise, promote the sale of and transport the specified product and any goods so bought or produced by the board;
- (b) for empowering the board to manufacture or acquire, and to sell or let for hire to enrolled producers and other persons, anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of the specified product;
- (c) for empowering the board to render to enrolled producers and other persons, on payment or otherwise, any service which is calculated to promote the more efficient production,

Changes to legislation: *The Agricultural Marketing (Northern Ireland) Order 1982, Cross Heading: Provisions which may or must be included in schemes is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

grading, packing, storing, adaptation for sale, transport or sale of the specified product or any goods an ingredient of which is derived from that product;

- (d) for empowering the board to co-operate with any other person in doing anything which the board is or might be empowered to do so by virtue of any of the foregoing provisions of this paragraph;
- (e) for empowering the board to do anything calculated to procure, promote or facilitate the doing by any other person of anything in the doing of which the board is or might be empowered to co-operate by virtue of sub-paragraph (d);
- (f) for regulating the manner in which the specified product to be sold to the board or any description or quantity thereof is to be graded by or on behalf of enrolled producers, or the manner in which such specified product or any description or quantity thereof is to be marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of enrolled producers;
- (g) without prejudice to any functions of the Department under section 5 of the Agriculture Act (Northern Ireland) 1949, for enabling the board to encourage, promote or conduct agricultural co-operation, research and education;
- (h) for empowering the board to acquire, hold and dispose of securities in, and arrange for the formation of, a body corporate one of whose objects is to do anything which the board is or might be empowered to do by virtue of sub-paragraph (a), (b) or (c), and for regulating the exercise by the board of any powers exercisable by it in relation to the appointment of directors of any such body corporate;
- (i) for empowering the board to do such other things as appear to the board to be complementary or supplementary to anything which the board is or might be empowered to do so by virtue of any of the foregoing provisions of this paragraph.

(2) A provision included in a scheme by virtue of paragraph (1)(a) shall be so framed as to secure that, in any period of two years, at least one half of the specified product bought by the board is bought from enrolled producers.

Miscellaneous provisions of schemes N.I.

38.—(1) Every scheme shall provide for the manner in which polls are to be taken for the purposes of this Part and in particular but without prejudice to the generality of the foregoing provision—

- (a) may apply with any necessary modifications any statutory provision (including the penal provisions thereof) relating to parliamentary, Assembly or local government elections and to the prevention of corrupt and illegal practices thereat;
- (b) may prescribe the information relating to the specified product which is to be furnished by every enrolled producer before or at the time of voting, and the manner in which the information is to be furnished, and may require the rejection of the vote of any producer who fails to furnish the prescribed information in the prescribed manner, and may impose penalties for furnishing false information;
- (c) shall prescribe the manner in which the result of the poll is to be declared and published.

(2) Every scheme shall provide for the calling by the board of annual general and other meetings of enrolled producers and may make provision for the business to be conducted at such meetings.

(3) A scheme may provide—

- (a) for securing that where, by reason of an enrolled producer dying, or becoming subject to some legal disability, or entering into a composition or scheme of arrangement with his creditors, any property in, or control of, the specified product is transferred from the enrolled producer to a personal representative, trustee, assignee, committee or other person, the personal representative, trustee, assignee, committee or other person, as the

Changes to legislation: *The Agricultural Marketing (Northern Ireland) Order 1982, Cross Heading: Provisions which may or must be included in schemes is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

case may be, shall, in such circumstances and in respect of such matters as may be specified in the scheme, be deemed to be an enrolled producer;

- (b) for such other matters as are incidental to or consequential on the provisions of this Part relating to the contents of schemes or are necessary for giving effect to those provisions.

Changes to legislation:

The Agricultural Marketing (Northern Ireland) Order 1982, Cross Heading: Provisions which may or must be included in schemes is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- [Instrument mod. \(prosp.\) by 1998 c. 41 s.45\(7\)Sch.7 Pt.II para.20\(2\)\(c\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.8 rev.inpt. and am. \(prosp.\) by 1998 c. 41 s.74\(1\)\(3\)Sch.12 para.6Sch.14 Pt.II](#)