



# Agriculture and Horticulture Act 1964

## 1964 CHAPTER 28

### PART III

#### GRADING AND TRANSPORT OF FRESH HORTICULTURAL PRODUCE

##### *Miscellaneous*

#### 22 Miscellaneous amendments.

<sup>F1</sup>(1) .....

(2) ..... <sup>F2</sup>

(3) Notwithstanding anything in section 7 of the <sup>M1</sup>Agricultural Marketing Act 1958, a scheme under that Act shall not empower the board administering the scheme—

(a) to grade, or regulate the grading or marking of, any produce to which regulations under section 11(1) of this Act apply, or

(b) to pack or transport, or regulate the packing or transporting of, any produce to which regulations under section 21 of this Act apply,

otherwise than in conformity with the regulations under the said section 11(1) or 21, as the case may be.

In relation to the doing of any act in Northern Ireland, references in the forgoing provisions of this subsection to section 11(1) or 21 of this Act shall be construed as references to the corresponding provisions of any enactment of the Parliament of Northern Ireland for the time being in force. [<sup>F3</sup>This subsection shall apply in relation to Community grading rules as it applies in relation to regulations under section 11(1) or 21 of this Act or, as regards Northern Ireland, under any corresponding provisions.]

#### Textual Amendments

**F1** S. 22(1) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), [Sch. 23 para. 34\(3\)](#)

**F2** S. 22(2) repealed by [Trade Descriptions Act 1968 \(c. 29\)](#), [Sch. 2](#)

*Changes to legislation: There are currently no known outstanding effects for the Agriculture and Horticulture Act 1964, Cross Heading: Miscellaneous. (See end of Document for details)*

**F3** Words added by [European Communities Act 1972 \(c. 68, SIF 29:5\)](#), s. 4, **Sch. 4 para. 4(1)**

**Modifications etc. (not altering text)**

**C1** S. 22(3) explained (17.11.2003) by [Horticultural Produce \(Community Grading Rules\) \(Scotland\) Regulations 2003 \(S.S.I. 2003/502\)](#), regs. 1(2), 2

**Marginal Citations**

**M1** 1958 c. 47.

**23 Regulations and orders.**

(1) Before the making of any regulations or order under this Part of this Act the Minister or the Secretary of State shall consult with such organisations as appear to either of them to be representative of interests affected by the regulations or order.

[<sup>F4</sup>(1A) Subsection (1) does not apply to regulations which apply, or to an order which applies, only in relation to England.]

(2) Any power conferred by this Part of this Act to make regulations or orders shall be exercisable by statutory instrument, and a statutory instrument containing regulations or an order so made shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

**F4** S. 23(1A) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(l), **Sch. 22 para. 3**

**24 Interpretation of Part III.**

In this Part of this Act—

“authorised officer” has the meaning assigned to it by section 13(1) of this Act;

[<sup>F5</sup>“Community grading rules” means any directly applicable Community provisions establishing standards of quality for fresh horticultural produce.]

“container” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“fresh horticultural produce” means—

- (a) fruit, vegetables, herbs, nuts and edible fungi, whether freshly-gathered or stored or taken from store, but not including maincrop potatoes or hops or any dried, frozen, bottled, canned or preserved produce;
- (b) cut flowers and decorative foliage.
- (c) pot plants, bedding plants and herbaceous plants;
- (d) shrubs and flowering trees;
- (e) fruit trees, fruit bushes and fruit plants; and
- (f) bulbs, corms and tubers;

“label” includes any device for conveying information by written characters or other symbols, and any characters or symbols stamped or otherwise placed directly on to any produce or container, and references to the affixing of a label shall be construed accordingly;

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**Changes to legislation:** There are currently no known outstanding effects for the Agriculture and Horticulture Act 1964, Cross Heading: Miscellaneous. (See end of Document for details)

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“prescribed grade”, in relation to regulated produce of any description, means a grade of quality designated and defined in relation to produce of that description under section 11(1) of this Act;

“regulated produce” has the meaning assigned to it by section 12(1) of this Act.

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**Textual Amendments**

**F5** Definition inserted by [European Communities Act 1972 \(c. 68, SIF 29:5\)](#), s. 4, **Sch. 4 para. 4(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture and Horticulture Act 1964,  
Cross Heading: Miscellaneous.