



Agriculture Act 1970

1970 CHAPTER 40

PART IV

FERTILISERS AND FEEDING STUFFS

Preliminary

66 Interpretation of Part IV

(1) In this Part of this Act—

" agricultural analyst " means an agricultural analyst appointed under section 67 of this Act and, unless the context otherwise requires, includes a deputy agricultural analyst so appointed for the same area;

" analysis " includes any process for determining any fact as to the nature, substance or quality of any material;

" animal " includes any bird, insect or fish;

" enforcement authority " has the meaning assigned by section 67(3) of this Act;

" feeding stuff " means feeding stuff for such descriptions of animals as may be prescribed, being animals which, or kinds of which, are commonly kept for the production of food, wool, skins or fur or for the purpose of their use in the farming of land ;

" fertiliser " means a fertiliser used for the cultivation of crops or plants of any description, including trees ;

" fish " includes shellfish ;

" inspector " means an inspector appointed under section 67 of this Act;

" the Minister " means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State;

" the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;

" prescribed " means prescribed by regulations;

Status: This is the original version (as it was originally enacted).

" prescribed metric substitution ", in relation to a quantity specified in any provision of this Part of this Act in terms of tons, pounds, or gallons, means any quantity expressed in terms of metric units of measurement which regulations may direct to be substituted in that provision, either generally or in prescribed circumstances, for the quantity so specified, being a quantity so expressed appearing to the Ministers appropriate to be so substituted having regard to the convenience of persons likely to be affected and with a view to the effective execution of this Part of this Act;

" regulations " means regulations made as provided in section 84 of this Act;

" sampled portion ", in relation to any material, means a prescribed amount of that material from which a sample has been taken by an inspector in the prescribed manner, being an amount—

- (a) consisting either—
 - (i) entirely of material packed in one or more containers; or
 - (ii) entirely of material not so packed ; and
- (b) not exceeding, in the case of an amount consisting of material so packed, the requisite quantity, that is to say, five tons or 1,000 gallons or the prescribed metric substitution, except where—
 - (i) it consists of material packed in a single container; or
 - (ii) it consists of material packed in two or more containers each of which holds less than the requisite quantity, in which case the prescribed amount may be the contents of the lowest number of those containers which together hold the requisite quantity ;

" statutory statement " has the meaning assigned by section 68(1) of this Act.

- (2) For the purposes of this Part of this Act material shall be treated as sold for use as a fertiliser or feeding stuff whether it is sold to be so used by itself or as an ingredient in something which is to be so used.
- (3) Any material consigned to a purchaser shall not for the purposes of this Part of this Act be deemed to be delivered to him until it arrives at the place to which it is consigned whether the consignment is by direction of the seller or the purchaser.
- (4) Where any material is delivered to a purchaser in two or more consignments this Part of this Act shall apply separately to each consignment.
- (5) For the purposes of this Part of this Act, the appropriation of any material by one person for use—
 - (a) in the performance for hire or reward of services to another person in pursuance of a contract in that behalf, or
 - (b) under arrangements with another person not constituting a sale of the material to that other person, being arrangements which are intended to benefit both the person appropriating the material and that other person but under which the probability or extent of any benefit to that other person may be affected by the quality of the material,

shall be treated as a sale of that material to that other person by the person so appropriating it, and references to sale or purchase and cognate expressions shall be construed accordingly.

67 Enforcement authorities and appointment of inspectors and analysts

- (1) In England and Wales it shall be the duty of the council of a county, county borough or London borough and of the Common Council of the City of London to enforce this Part of this Act within their respective areas; and the health authority of the Port of London shall have the like duty as respects the district of the Port of London, which shall accordingly be treated for the purposes of this subsection as not forming part of the area of any of those councils.
- (2) In Scotland it shall be the duty of the town council as respects a large burgh within the meaning of the Local Government (Scotland) Act 1947, and the county council as respects a county inclusive of any burgh other than as aforesaid, to enforce this Part of this Act within their respective areas.
- (3) For the purpose of performing their duty under the foregoing provisions of this section each of the bodies there mentioned (in this Part of this Act referred to as an enforcement authority) shall appoint—
 - (a) such inspectors as may be necessary; and
 - (b) an agricultural analyst and, if they think fit, one or more deputy agricultural analysts.
- (4) An inspector shall not exercise his powers under this Part of this Act in respect of any premises outside the area for which he is appointed except with the consent of the enforcement authority for the area in which those premises are situated.
- (5) A person shall not be appointed as agricultural analyst or deputy agricultural analyst unless he has the prescribed qualifications.
- (6) A person may be appointed as an inspector or as agricultural analyst or deputy agricultural analyst for the areas of two or more enforcement authorities by those authorities acting jointly.
- (7) Each enforcement authority shall, whenever the Minister so directs, make to him a report on the exercise of their functions under this Part of this Act in such form and containing such particulars as he may direct, and the agricultural analyst for the area of the authority shall furnish to the authority such information as may be necessary for the report.
- (8) If the Minister is of opinion that this Part of this Act has been insufficiently enforced in the area of any enforcement authority he may himself appoint one or more inspectors to exercise in that area the powers exercisable by inspectors appointed by the authority; and any expenses certified by him as having been incurred by him under this subsection in respect of that area shall be repaid to him, on demand, by the authority in question.
- (9) Nothing in this section shall be taken as authorising an enforcement authority in Scotland to institute proceedings for an offence.