



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART IV

#### FERTILISERS AND FEEDING STUFFS

*Obligations relating to material sold and prepared for sale.*

#### **70 Use of names or expressions with prescribed meanings.**

- (1) Subject to the provisions of this section, where a person sells for use as a fertiliser or feeding stuff any material—
- (a) which he describes, in a statutory statement or any document given by him to the purchaser in connection with the sale, by a name or expression to which a meaning has been assigned by regulations made for the purposes of this section; or
  - (b) which is marked with such a name or expression as aforesaid,
- there shall, notwithstanding any contract or notice to the contrary, be implied a warranty by the seller that the material accords with that meaning; but in Scotland a contract of sale may not be treated as repudiated by reason only of a breach of that warranty.
- (2) Subject to the provisions of this section, where a person—
- (a) sells for use as a fertiliser or feeding stuff any material—
    - (i) which he describes, in such a statement or document as is mentioned in subsection (1) of this section, by such a name or expression as is there mentioned; or
    - (ii) which is marked with such a name or expression as aforesaid; or
  - (b) has on his premises for the purpose of selling it in the course of trade for such use any material which is ready for sale and marked as aforesaid,

then, if a sampled portion of the material fails, to the prejudice of a purchaser, to accord with the meaning which has been assigned to that name or expression, he shall be liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 5 on the standard

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*Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1970, Section 70. (See end of Document for details)*

scale] or, on a second or subsequent conviction under this subsection, to a fine not exceeding [<sup>F1</sup>level 5 on the standard scale] or imprisonment for a term not exceeding three months or both.

- (3) In the case of any material which has been imported subsections (1) and (2) of this section shall have effect subject to such modifications as may be prescribed.
- (4) In proceedings for an offence under subsection (2) of this section the fact that a sampled portion of any material fails to accord with the meaning in question shall be proved by evidence of the result of an analysis of the sample taken from that portion.
- (5) For the purposes of this section material shall be treated as marked whether the mark is on the material itself, on a label attached to the material, on a package or container enclosing the material or, in a case within subsection (2)(b) of this section, in such a place on the premises in question that it is likely to be taken as referring to the material.

#### Subordinate Legislation Made

- P1** S. 70: for previous exercises of this power see Index to Government Orders
- P2** S. 70(1): s. 74A (with ss. 66(1), 68(1)(1A)(3), 69(1)(3)(6)(7), 70(1), 73(3), 74(1) and 84) power exercised by [S.I. 1991/1475](#)
- P3** S. 70(1): s. 84 (with ss. 66(1), 68(1)(2)(3), 69(1)(3)(6)(7), 70(1), 74(1), 74A(1)(2)(4)) power exercised by [S.I.1991/2197](#)
- P4** S. 70: s. 74A (with ss. 66(1), 68(1)(1A) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A and 84) power exercised by [S.I.1991/2840](#)

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

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

- C1** Pt. IV modified (S.) (1.1.2006) by [The Feeding Stuffs \(Scotland\) Regulations 2005 \(S.S.I. 2005/605\)](#), regs. 1(1), **10(3)**
- C2** Pt. IV modified (E.) (1.1.2006) by [The Feeding Stuffs \(England\) Regulations 2005 \(S.I. 2005/3281\)](#), regs. 1, **22**
- C3** Pt. IV applied (W.) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), regs. 1, **22**
- C4** S. 70 modified (S.) (1.1.2006) by [The Feeding Stuffs \(Scotland\) Regulations 2005 \(S.S.I. 2005/605\)](#), regs. 1(1), **11**
- C5** S. 70 modified (W.) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), regs. 1, **11**
- C6** S. 70(1): transfer of functions (15.2.2006) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2006 \(S.I. 2006/304\)](#), art. 1(1), **Sch.** (with art. 5)
- C7** S. 70(2): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 35** (in relation to liability on first and subsequent convictions) applies (E.W.) and [S.I. 1984/703 \(N.I. 3\)](#), **art. 9** (in relation to liability on first and subsequent convictions) applies (N.I.)
- C8** S. 70(2): [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289E** (in relation to liability on first and subsequent convictions), applies (S.)
- C9** S. 70(3): transfer of functions (15.2.2006) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2006 \(S.I. 2006/304\)](#), art. 1(1), **Sch.** (with art. 5)

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