



Agricultural Marketing Act 1983

1983 CHAPTER 3

An Act to establish a body corporate to be known as Food from Britain to improve the marketing of food produced or processed in the United Kingdom and of other agricultural produce of the United Kingdom; to transfer to Food from Britain the functions of the Central Council for Agricultural and Horticultural Co-operation and to dissolve the Central Council; to enable certain other marketing organisations to make contributions to Food from Britain; and to repeal section 61(9) of the Agriculture Act 1967. [1st March 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Food from Britain

- (1) There shall be established in accordance with the provisions of this Act a council to be known as Food from Britain.
- (2) The council shall consist of no fewer than thirteen and no more than fifteen members appointed by the Ministers; and in making any such appointment the Ministers shall have regard to the interests of the agriculture and horticulture industry (including agricultural and horticultural co-operatives) and food manufacturing and distributive industries in the United Kingdom.
- (3) The Ministers shall appoint one member to be chairman and another to be deputy chairman of Food from Britain.
- (4) Schedule 1 to this Act shall have effect with respect to Food from Britain.
- (5) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified under those Acts) there shall be inserted at the appropriate place in alphabetical order—
“Food from Britain”.

2 Functions of Food from Britain

- (1) The functions of the Central Council for Agricultural and Horticultural Co-operation are hereby transferred to Food from Britain.
- (2) Food from Britain shall have power to organise, develop, promote, encourage and co-ordinate the marketing in the United Kingdom and elsewhere of—
 - (a) agricultural and horticultural produce of the United Kingdom;
 - (b) fish, other than sea fish, and fish products made in the United Kingdom; and
 - (c) any other food produced or processed in the United Kingdom.
- (3) Food from Britain shall put itself in a position to advise Ministers on matters connected with any of its functions.

3 Central Council for Agricultural and Horticultural Cooperation

- (1) Immediately after the coming into force of section 2 above the Central Council for Agricultural and Horticultural Co-operation shall be dissolved.
- (2) Schedule 2 to this Act shall have effect with respect to the dissolution of the Central Council and the transfer of functions under section 2(1) above.

4 Contributions by marketing organisations

- (1) Without prejudice to section 6(2) below, any body to which this section applies may make contributions by way of grant or loan to Food from Britain of such amount as it thinks fit towards the expenses incurred or to be incurred by Food from Britain in connection with any of its functions other than the transferred functions.
- (2) This section applies to the following bodies, namely—
 - (a) any board established under a scheme made (whether before or after the coming into force of this section) under Part I of the Agricultural Marketing Act 1958 or the Agricultural Marketing Act (Northern Ireland) 1964 or the Agricultural Marketing (Northern Ireland) Order 1982;
 - (b) the Eggs Authority established under Part I of the Agriculture Act 1970;
 - (c) the Home-Grown Cereals Authority established under Part I of the Cereals Marketing Act 1965 ;
 - (d) the Meat and Livestock Commission established under Part I of the Agriculture Act 1967 ;
 - (e) the Livestock Marketing Commission for Northern Ireland established under the Livestock Marketing Commission Act (Northern Ireland) 1967 ;
 - (f) the Apple and Pear Development Council established under the Apple and Pear Development Council Order 1966; and
 - (g) the Scottish Seed Potato Development Council established under the Scottish Seed Potato Development Council Order 1981.
- (3) The functions of any body to which this section applies for the purposes of which any person or class of persons is or may be required to make contributions (whether by way of levy or otherwise) to the body shall include the function conferred on the body by subsection (1) above and the provisions of any enactment or other instrument relating to such contributions shall have effect accordingly.

5 Accounts and annual reports

- (1) Food from Britain shall—
 - (a) keep proper accounting records in such form as the Ministers may, with the consent of the Treasury, determine; and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall give a true and fair view of the state of Food from Britain's affairs at the end of the financial year and of its income and expenditure in the financial year, and shall comply with any directions given by the Ministers with the consent of the Treasury as to the information to be contained in the statement or the manner in which it is to be presented or as to the methods and principles according to which the statement is to be prepared.
- (3) The statement of accounts shall be audited by persons to be appointed in respect of each financial year by the Ministers, and the auditors shall be furnished by Food from Britain with copies of the statement of accounts for any financial year not later than 30th June following the end of that year.
- (4) The auditors shall complete their audit and send the Ministers copies of the statement of accounts and of their report on the statement as soon as possible after the end of the financial year to which they relate and in any event not later than 30th September following the end of that year.
- (5) No person shall be qualified to be appointed auditor under this section unless he is a member of one or more of the following bodies—
 - The Institute of Chartered Accountants in England and Wales;
 - The Institute of Chartered Accountants of Scotland ;
 - The Association of Certified Accountants ;
 - The Institute of Chartered Accountants in Ireland ;but a Scottish firm may be appointed under this section if each of the partners is qualified to be so appointed.
- (6) As soon as possible after the end of any financial year and in any event not later than 30th September following the end of that year Food from Britain shall prepare and submit to the Ministers a report of what has been done in the discharge of its functions in that year.
- (7) The Ministers shall lay before Parliament copies of the report for any financial year made under subsection (6) above together with copies of the statement of accounts and of the auditor's report for that year.
- (8) The Ministers and the Comptroller and Auditor General shall be entitled to inspect all books, papers and other records of Food from Britain relating to or to matters dealt with in any statement of accounts required to be prepared pursuant to this section.
- (9) The first financial year of Food from Britain shall be the period beginning with the coming into force of this section and ending with 31st March 1984 ; and any subsequent period of twelve months ending with 31st March shall be a financial year of Food from Britain.

6 Borrowing powers, etc. of Food from Britain

- (1) Food from Britain may borrow money or make loans in accordance with this section but not otherwise.
- (2) Food from Britain may borrow temporarily (by way of overdraft or otherwise and in any currency) such sums as it may require for the purpose of financing any of its functions other than the transferred functions; but the aggregate amount outstanding by way of principal of any sums so borrowed shall not exceed £500,000.
- (3) Food from Britain may borrow any such sums—
 - (a) from the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland or the Secretary of State for Wales or the Secretary of State for Northern Ireland, or
 - (b) with the consent of the Ministers and the Treasury, from any other person.
- (4) Food from Britain may with the consent of the Ministers make such grants or loans as it thinks fit in pursuance of any of its functions other than the transferred functions.

7 Grants, etc. by Ministers

- (1) The Ministers may with the approval of the Treasury make grants to Food from Britain in respect of any expenses incurred or to be incurred in connection with any of its functions other than the transferred functions.
- (2) The Minister may with the approval of the Treasury lend to Food from Britain any sums which it may borrow in accordance with section 6(2) above.
- (3) There shall be paid out of money provided by Parliament any sums required for making payments under this section or under paragraph 5 of Schedule 1 to this Act.
- (4) In this section " the Minister" means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales or the Secretary of State for Northern Ireland.

8 Interpretation

In this Act—

" agriculture and horticulture " includes everything included in the expression " agriculture " as defined by section 109(3) of the Agriculture Act 1947 or, as the case may be, section 86(3) of the Agriculture (Scotland) Act 1948 and " agricultural and horticultural" shall be construed accordingly;

" animal " includes any bird or fish ;

" the Central Council" means the Central Council for Agricultural and Horticultural Co-operation ;

" fish " includes crustaceans and molluscs of any kind ;

"fish products" means any food made wholly or partly from fish processed otherwise than solely by filleting or gutting;

" food " includes any food or drink produced or processed for human or animal consumption (including game of any kind) and any ingredient of such food or drink ;

"the Ministers" means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Northern Ireland acting jointly ;

" pension " includes a superannuation allowance or gratuity payable to or in respect of any person on retirement or death;

" processed" means having been subjected to any kind of process including packaging or bottling ;

" sea fish " means any fish (excluding crustaceans and molluscs of any kind) found in the sea except any of the salmon species, trout and eels ; and

"transferred functions" means functions transferred to Food from Britain by section 2(1) above.

9 Short title, repeals, commencement and extent

- (1) This Act may be cited as the Agricultural Marketing Act 1983.
- (2) Subject to paragraph 3 of Schedule 2 to this Act, the enactments mentioned in Schedule 3 to this Act (which include spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall come into force on such day as the Ministers may by order made by statutory instrument appoint and different days may be appointed for different purposes.
- (4) This Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1.

FOOD FROM BRITAIN

- 1 Food from Britain shall be a body corporate.
- 2 (1) Subject to section 6 of this Act, it shall be within the capacity of Food from Britain as a statutory corporation to do such things and to enter into such transactions as are incidental or conducive to the performance of any of its functions.
- (2) Without prejudice to the generality of sub-paragraph (1) above—
- (a) where in the performance of any of its functions Food from Britain renders any services to any person it may make such charges in respect of those services as it may agree with that person; and
 - (b) Food from Britain may accept contributions from other persons in respect of any expenses incurred or to be incurred in connection with any of its functions other than the transferred functions.
- 3 The validity of any proceedings of Food from Britain shall not be affected by any vacancy among the members or by any defect in the appointment or any disqualification of any of the members.
- 4 (1) Subject to the following provisions of this paragraph, a member of Food from Britain and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and previous tenure of any such office shall not affect eligibility for re-appointment.
- (2) If the chairman or deputy chairman ceases to be a member of Food from Britain, he shall also cease to be chairman or deputy chairman.
- (3) A member may at any time, by notice in writing addressed to the Ministers, or to any of them, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.
- (4) The Ministers may terminate a person's appointment as member of Food from Britain if they are satisfied—
- (a) that he has been absent from meetings of Food from Britain without the consent of the other members for at least six consecutive months out of the nine months immediately preceding the termination of his appointment; or
 - (b) that he is an undischarged bankrupt or has made an arrangement with his creditors or has become notour bankrupt or has executed a trust deed for behoof of, or has made a composition contract or arrangement with, his creditors; or
 - (c) that he is incapacitated by reason of physical or mental illness ; or
 - (d) that he is otherwise unable or unfit to discharge the functions of a member of Food from Britain.
- 5 The Ministers shall—

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

- (a) pay to the members of Food from Britain such travelling or other allowances as the Ministers, with the approval of the Treasury, may determine, and in the case of any member as respects whom the Ministers, with the approval of the Treasury, so determine, may pay such remuneration, whether by way of salary or fees, as the Ministers and the Treasury may determine in his case,
- (b) in the case of any member of Food from Britain to whom the Ministers, with the approval of the Treasury, determine that this paragraph applies, pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the Ministers and the Treasury may determine in his case,

and if a person ceases to be a member of Food from Britain and it appears to the Ministers that there are special circumstances which make it right that the person should receive compensation the Ministers may, with the approval of the Treasury, pay to that person a sum of such amount as the Ministers may with the approval of the Treasury determine.

- 6 For the purpose of assisting it in the performance of any of its functions, Food from Britain may appoint committees consisting of or including persons other than members of Food from Britain and may pay those persons such remuneration and such travelling and other allowances as it may with the approval of the Ministers and the Treasury determine.
- 7 (1) A member of Food from Britain or any such committee shall, if he has any direct or indirect personal interest in a proposal made or proposed to be made to Food from Britain or the committee in connection with the making of any grant under the Agriculture Act 1967 or any grant or loan under this Act, disclose the nature of his interest at a meeting of Food from Britain or the committee as soon as possible after the relevant circumstances have come to his knowledge.
(2) Any disclosure so made by a member shall be recorded in the minutes of Food from Britain or the committee and that member shall not take part after the disclosure in any decision of Food from Britain or the committee with respect to that proposal, but he may, nevertheless, be taken into account for the purpose of constituting a quorum of Food from Britain or the committee.
- 8 In the case of an equality of votes at any meeting of Food from Britain the person who is chairman at that meeting shall have a second or casting vote.
- 9 Subject to paragraphs 7 and 8 above, the council may determine their own quorum and procedure, and the quorum and procedure of any committee appointed under paragraph 6 above.
- 10 The Ministers may designate persons to attend on their behalf any meetings of Food from Britain or any of its committees, and it shall be the duty of Food from Britain to afford any person so designated reasonable facilities for taking part in the deliberations of Food from Britain or the committee, and recording the decisions of Food from Britain or the committee; but a person so designated shall not be qualified to vote or otherwise count as a member of Food from Britain or the committee.
- 11 (1) Food from Britain may appoint such officers and servants as it thinks fit.
(2) Food from Britain shall—

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- (a) pay to its officers and servants such remuneration and such travelling or other allowances as it may with the approval of the Ministers and the consent of the Treasury determine, and
- (b) as to any officers or servants in whose case Food from Britain may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes, as Food from Britain may with the approval of the Ministers and the consent of the Treasury determine ;

and if a person ceases to be an officer or servant of Food from Britain and it appears to Food from Britain that there are special circumstances which make it right that that person should receive compensation Food from Britain may with the approval of the Ministers and the consent of the Treasury pay to that person a sum of such amount as it may with such approval determine.

- 12 The application of the seal of Food from Britain shall be authenticated by the signatures of two of its members and of the chief officer of Food from Britain or some other person authorised by Food from Britain to do so in his place.

SCHEDULE 2

Section 3.

TRANSFER OF FUNCTIONS AND DISSOLUTION OF THE CENTRAL COUNCIL FOR AGRICULTURAL AND HORTICULTURAL CO-OPERATION

- 1 The property, rights and liabilities of the Central Council are hereby transferred to Food from Britain.
- 2 (1) Paragraph 1 above has effect to transfer to Food from Britain rights and obligations of the Central Council under contracts of employment with its officers and servants ; and for the purpose of determining the length of service as an officer or servant of Food from Britain of any person who became such by virtue of paragraph 1 above any service by that person with the Central Council shall be treated as service with Food from Britain.
- (2) Any determination made under paragraph 9(2)(b) of Schedule 6 to the Agriculture Act 1967 in respect of any person shall be treated after the appointed day (so far as may be necessary to preserve its effect) as having been made under paragraph 11(2)(b) of Schedule 1 to this Act, and any pension scheme maintained by the Central Council immediately before the appointed day shall be deemed to be a pension scheme provided by Food from Britain under paragraph 11(2)(b) of Schedule 1 to this Act and shall continue to be maintained accordingly.
- 3 (1) The repeal of section 59 of the Agriculture Act 1967 shall not have effect in respect of any period ending on or before the appointed day which is or is part of a financial year of the Central Council if any function of the Central Council relating to that period has not been performed before that day; and any such function is accordingly transferred by virtue of paragraph 1 above to Food from Britain.
- (2) The period beginning with the 1st April preceding the appointed day and ending with the day before the appointed day shall be the last financial year of the Central Council and section 59 shall have effect (by virtue of sub-paragraph (1) above) in relation to that period accordingly but with the substitution for the reference in subsection (3) to the 30th September of a reference to the last day of the period of six months beginning with the appointed day.

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- 4 Any enactment or other instrument passed or made before the appointed day, except section 58(8) of the Agriculture Act 1967, shall have effect as if any reference to the Central Council were a reference to Food from Britain.
- 5 Anything done by or in relation to the Central Council and having effect immediately before the appointed day shall so far as is required for continuing its effect thereafter be treated as if it had been done by or in relation to Food from Britain, and anything then in the process of being done by or in relation to the Central Council (including in particular any legal proceedings then pending to which the Central Council is a party) may be continued by or in relation to Food from Britain.
- 6 In section 58(9) of the Agriculture Act 1967 there shall be added at the end the words " under this Part of this Act " .
- 7 In section 60(3) of that Act for the words " the last foregoing section " there shall be substituted the words " section 5(6) of the Agricultural Marketing Act 1983 " .
- 8 In this Schedule " the appointed day " means the day on which this Schedule comes into force.

SCHEDULE 3

Section 9.

REPEALS

Chapter	Short Title	Extent of Repeal
1967 c. 22.	Agriculture Act 1967.	Section 58(1), (3) to (7), (8) (a) and (10). Section 59. Section 61(9). Schedule 6.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule I, the entry relating to the Central Council for Agricultural and Horticultural Co-operation.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule I, the entry relating to the Central Council for Agricultural and Horticultural Co-operation.