



Agriculture Act 1957

1957 CHAPTER 57

PART I

GUARANTEED PRICES AND ASSURED MARKETS

1 Power to provide for guaranteed prices, etc.

- (1) The Minister may by order make such provision as appears to him to be expedient for providing guaranteed prices or assured markets for producers of produce described in the First Schedule to this Act.
- (2) Without prejudice to the generality of the foregoing provision, an order under this section in respect of any produce may in particular provide—
 - (a) for the payment by the Minister to the Board administering a marketing scheme for the produce of sums calculated by reference to the difference between the value at guaranteed prices determined by the Minister in pursuance of the order of the produce sold by the Board and the receipts of the Board ascertained or estimated for the purposes of the order from the sale of the produce;
 - (b) for the payment by the Minister to producers of the produce, or to such other persons as may be prescribed by the order, of sums calculated by reference to the difference between guaranteed prices determined by the Minister in pursuance of the order and prices ascertained or estimated for the purposes of the order as the prices received or to be received by producers on the sale of the produce;
 - (c) for the purchase by or on behalf of the Minister or by the Board administering a marketing scheme for the produce, at guaranteed prices determined by the Minister in pursuance of the order, of any of the produce tendered by the producers, and, in the case of purchase by any such Board, for the payment by the Minister of the whole or part of any trading losses incurred or treated as incurred by the Board on the purchase and disposal of the produce.
- (3) Subject to the provisions of this section, any guaranteed price to be determined by the Minister in pursuance of an order under this section shall be determined from time

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to time in respect of such guarantee periods (being periods of or of approximately twelve months) as may be prescribed by the order, and shall be so determined in the light of the conclusions of the Ministers from the annual review last held before the commencement of the period concerned.

- (4) Subject to the following provisions of this part of this Act, any guaranteed price determined by the Minister for a guarantee period in pursuance of an order under this section may be varied by a subsequent determination of the Minister.
- (5) An order under this section in respect of any produce described in the First Schedule to this Act may be made so as to apply only to particular descriptions or quantities of that produce, or may make different provision (including in particular provision for the determination of different guaranteed prices) in respect of different descriptions or quantities of that produce; and without prejudice to the generality of the foregoing provision produce may be distinguished for the purposes of any such order by reference—
 - (a) to the area in which, or the season of the year in which, it is produced, sold or despatched or delivered on sale;
 - (b) to the purpose for which it is sold or used;
 - (c) to the methods by which it is marketed, including the places at which it is delivered on sale.
- (6) Where the dates of the guarantee periods prescribed by an order under this section are varied by a subsequent order, that subsequent order may direct that the duration of the first guarantee period under the order as varied, or of the last previous guarantee period, shall be shortened or extended accordingly.

2 Provision for stability of particular guarantees

- (1) The guaranteed price determined for a guarantee period in pursuance of an order under section one of this Act in respect of any produce shall not be less than ninety-six per cent. (calculated to the nearest figure or fraction which the Minister considers appropriate to that produce) of the corresponding price determined for the last previous guarantee period in pursuance of that order or of any previous order under the said section one relating to the same produce.
- (2) Without prejudice to subsection (1) of this section, the guaranteed price determined for a guarantee period beginning in the year nineteen hundred and fifty-nine or any subsequent year in pursuance of an order under the said section one in respect of any produce described in Part II of the First Schedule to this Act shall not be less than ninety-one per cent. (calculated as aforesaid) of the corresponding price determined for the first of the three previous guarantee periods in pursuance of that order or of any previous order under the said section one relating to the same produce.
- (3) In comparing for the purposes of this section the guaranteed prices determined in respect of any produce for any two guarantee periods there shall be made such adjustment, if any, as the Ministers, after consultation with producers, may determine to be appropriate in consequence of changes in the arrangements in force under section one of this Act in respect of those periods respectively.
- (4) In relation to an order which provides for the determination of different guaranteed prices in respect of different descriptions or quantities of the produce to which the order applies, any reference in this section to the guaranteed price determined in pursuance of the order shall be construed as a reference—

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- (a) where those different prices are derived from the conversion of a single guaranteed price determined in pursuance of the order, to that single guaranteed price;
- (b) in any other case, to the weighted average (calculated upon such principles as may be determined by the Ministers after consultation with producers) of those different prices:

Provided that in relation to an order under the said section one which applies primarily but not exclusively to produce within a standard quantity prescribed by or under the order, the Ministers may direct that this section shall have effect as if that order did not apply to any produce in excess of that quantity.

- (5) Any reference in this section to the guaranteed price determined for a guarantee period shall be construed as a reference to the price so determined irrespective of any variation effected in pursuance of subsection (4) of section one of this Act.
- (6) Without prejudice to the foregoing provisions of this section, the power of the Minister to vary a determination made in pursuance of an order under section one of this Act in respect of any produce specified in the First Schedule to this Act, or to vary during a guarantee period an order made under that section in respect of any such produce, shall not be exercised in a manner which, in his opinion, would reduce the amounts payable to the producers of that produce unless—
 - (a) the reduction is made in pursuance of the conclusions of the Ministers from the annual review last held before the commencement of that period; or
 - (b) the Ministers are satisfied, in consequence of a special review, that the reduction is expedient in the public interest.

3 Provision for stability of overall guarantee

- (1) Without prejudice to the provisions of section two of this Act, any guaranteed prices or factors relevant to the operation of guaranteed prices determined in pursuance of orders under section one of this Act for guarantee periods beginning in any year shall be such as to secure that the aggregate value of all those prices together with the aggregate value of all relevant production grants payable in respect of annual grant periods beginning in that year is not less than the amount produced—
 - (a) by taking ninety-seven and a half per cent. of the sum of the aggregate values of the corresponding prices determined and production grants paid or payable in respect of guarantee periods and grant periods beginning in the last previous year; and
 - (b) by adding to or deducting from the figure ascertained under paragraph (a) an amount equal to any net increase or net reduction (as the case may be) in the aggregate annual relevant costs of production of the produce to which the guaranteed prices apply which appears to the Ministers to have taken place since the determination of the corresponding prices referred to in that paragraph.
- (2) For the purposes of this section, the value of any prices or grants shall be calculated according to such principles as may be determined by the Ministers after consultation with producers; and without prejudice to the generality of the foregoing provision, the aggregate value of the prices or production grants determined or payable for or in respect of guarantee periods or grant periods beginning in any year may (if so determined as aforesaid) be calculated by reference to the quantities of produce, the acreage of land or the amount of the costs to or in respect of which the corresponding

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prices or grants applied or were payable in respect of guarantee periods or grant periods in the last previous year.

- (3) Subsections (4) and (5) of section two of this Act shall apply for the purposes of this section as they apply for the purposes of that section; and where the guaranteed price determined in respect of any produce for a guarantee period is adjusted in pursuance of subsection (3) of that section, the price as so adjusted shall be treated for the purposes of this section as the price determined in respect of that produce for that period.
- (4) Without prejudice to the last foregoing subsection, if in the case of any year it appears to the Ministers, after consultation with producers, that in consequence of any change in the arrangements in force under section one of this Act in respect of produce of any particular class it is necessary so to do in order to enable a fair comparison to be made for the purposes of subsection (1) of this section between that and the previous year, they may direct that in relation to that year the said subsection (1) shall have effect as if no order under section one of this Act were or had been in force in respect of that produce in the case of that or the previous year.
- (5) In this section the following expressions have the meanings hereby assigned to them, that is to say—

" production grant " means a grant payable under any enactment other than this Act (whether passed before or after the commencement of this Part of this Act), being a grant payable out of moneys provided by Parliament or by the Parliament of Northern Ireland in respect of agricultural land or agricultural produce, and any payment made by virtue of subsection (2) of section eight of the Agriculture Act, 1947 (which provides for acreage or other payments as an alternative to the provision of guaranteed prices);

" relevant production grant " means a production grant which is determined by the Ministers, after consultation with producers, to be relevant for the purposes of this section;

" relevant costs of production " means any costs of production (including grading, packing, transport and other ancillary operations) of which account is taken for the purpose of determining the guaranteed prices under any order under section one of this Act, not being costs of which account is required by that order to be taken in calculating the amount of any payments to be made by the Ministers by reference to the price so determined.

4 Application to sugar beet prices

Sections two and three of this Act shall apply in relation to sugar beet as they apply in relation to produce described in Part I of the First Schedule to this Act, and references in those sections to an order under section one of this Act, to guaranteed prices determined for any guarantee period in pursuance of such an order and to the arrangements in force under the said section one shall be construed as including references respectively to section seventeen of the Sugar Act, 1956, to the prices initially determined under the said section seventeen for the purchase of home grown beet for delivery within any period so determined and to the arrangements in force under the said section seventeen; and the power to give directions under the proviso to subsection (4) of section two of this Act shall be exercisable in relation to home grown beet as if any directions under the said section seventeen were an order under the said section one.

5 Power to make provision for protection of guarantees

- (1) For the purpose of supporting any arrangements in force by virtue of an order under section one of this Act, and in particular of securing that payments (whether made by or on behalf of the Minister under any such order or by a Board to whom payments are so made) are made in proper cases only, the Minister may by order make provision—
 - (a) for requiring that produce to which the order applies (being produce eligible for such payments as aforesaid or produce of any class or description which includes produce eligible for such payments) shall be marked in such circumstances, in such manner, for such purpose, and by or under the supervision of such person, as may be prescribed by or under the order;
 - (b) for prohibiting the removal from markets or other places where produce is required to be marked in pursuance of the order of any produce to which the order applies which has not been so marked;
 - (c) for requiring the production, or the keeping and production, by merchants or other persons of books, accounts or records relating to the purchase, sale or use of produce to which the order applies;
 - (d) for enabling authorised officers of the Minister to enter upon land used for the production, storage, grading, packing, slaughter or sale of any produce to which the order applies, and to inspect and take samples of any such produce found upon land so used;
 - (e) for any other matters for which provision appears to the Minister to be necessary or expedient for the purposes described in this subsection.
- (2) Without prejudice to the generality of paragraph (e) of subsection (1) of this section, an order under this section which applies to produce being livestock may prohibit the use for breeding or milking of any livestock marked as eligible for payments in pursuance of an order under section one of this Act.
- (3) Without prejudice to the generality of the said paragraph (e), an order under this section which applies to produce being potatoes may prohibit—
 - (a) the sale or use for human consumption (including use in the preparation of food for human consumption);
 - (b) the sale or use for planting;of potatoes purchased by or on behalf of the Minister or any Board in pursuance of an order under section one of this Act and sold by him or them as stockfeed.

6 Special provisions as to the importation of livestock

- (1) Without prejudice to the powers conferred by section five of this Act, the Ministers may, for the purpose described in subsection (1) of that section, by order make special provision in respect of livestock, or livestock of any description, imported, removed or brought into the United Kingdom or any part of the United Kingdom from any of the Channel Islands, the Isle of Man or the Republic of Ireland.
- (2) An order under this section may regulate the times and places at which, and the routes by which, livestock may be imported, removed or brought as aforesaid, and may prohibit the removal, pending inspection or marking, of any livestock so imported, removed or brought and, in the case of cattle imported or brought from the Republic of Ireland, their removal without production of such certificate in respect of their exportation from that Republic as may be prescribed by the order.

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- (3) Subject to the following provisions of this section, any such order may contain such provisions as appear to the Ministers to be necessary for the due operation and enforcement of the order (other than provision for fine or imprisonment upon conviction of offences), and may in particular—
- (a) authorise the seizure and sale of livestock, the forfeiture of livestock and the proceeds of sale of livestock, and the seizure and forfeiture of vehicles or containers used for the carriage, handling or concealment of livestock;
 - (b) enable authorised officers of the Minister to enter vehicles used or constructed or adapted for use for the carriage of livestock;
 - (c) require persons who are or have been in possession or control of livestock to furnish to such officers information with respect thereto.
- (4) An order under this section which provides for the seizure of livestock or other things shall also provide for the display or other publication of notice of the seizure.
- (5) An order under this section which provides for the forfeiture of livestock or other things seized or the proceeds of sale of livestock shall also provide that where within such period as may be prescribed by the order a person claims, in accordance with the order, that the livestock or other things seized belonged to him at the time of seizure and—
- (a) in the case of livestock, that they were not imported, removed or brought into the United Kingdom in contravention of the order;
 - (b) in any other case, that they were not used for the carriage, handling or concealment of livestock imported, removed or brought into the United Kingdom in contravention of the order;
- the forfeiture of the things seized or the proceeds of sale of livestock shall not be effected except by an order made by a court.
- (6) In this section " livestock " includes the carcasses of livestock.

7 Penalties

- (1) If any person contravenes or fails to comply with any provision of an order under section five or section six of this Act, or knowingly has in his possession or control any livestock imported, removed or brought into the United Kingdom in contravention of an order under the said section six, he shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both.
- (2) If any person wilfully obstructs an authorised officer or other person in the exercise of powers conferred on him by an order under section five or section six of this Act, he shall be liable on summary conviction—
- (a) in the case of a first offence, to a fine not exceeding twenty pounds;
 - (b) in the case of a second or subsequent offence, to imprisonment for a term not exceeding one month or to a fine not exceeding fifty pounds or both.
- (3) If any person—
- (a) knowingly or recklessly makes any false statement for the purpose of obtaining for himself or any other person any sum payable in pursuance of an order under this Part of this Act;
 - (b) with intent to deceive, alters, conceals or defaces any mark applied to produce in pursuance of any such order;

- (c) applies to produce, without due authority and with intent to deceive, any mark prescribed by or under any such order or applies to produce a mark so closely resembling a prescribed mark as to be calculated to deceive; or
- (d) wilfully makes a false entry in any book, account or record which is required to be produced in pursuance of any such order or, with intent to deceive, makes use of any such entry which he knows to be false;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or both.

- (4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer, of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

8 Provision for application to additional produce and variation of minimum percentages

- (1) The Ministers may by order direct that the First Schedule to this Act shall have effect, for the purposes of all or any of the enactments to which it relates, as if produce of any description specified in the order were included in Part I or Part II of that Schedule, as the case may be.
- (2) The Ministers may, after the annual review held in the year nineteen hundred and sixty and from time to time thereafter, take into consideration in consultation with producers the percentages specified in subsection (1) and subsection (2) of section two and subsection (1) of section three of this Act, and may by order substitute for any of those percentages such other percentage as they consider appropriate:

Provided that an order under this subsection shall not apply in relation to any determination made within twelve months after the date on which the order is made.

9 Supplementary provisions as to orders

- (1) Any power of the Minister or Ministers to make orders under section one or section eight of this Act shall be exercised with the consent of the Treasury and after consultation with producers.
- (2) An order under section eight of this Act shall be of no effect unless approved by resolution of each House of Parliament.
- (3) Any statutory instrument containing an order under any provision of this Part of this Act, other than section eight or section ten, shall be laid before Parliament after being made, and shall cease to have effect (without prejudice to anything previously done thereunder or to the making of a new order) on the expiration of the period of forty days, calculated in accordance with subsection (1) of section seven of the Statutory Instruments Act, 1946, beginning with the day on which it is made unless within that period it has been approved by resolution of each House of Parliament.

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- (4) An order under this Part of this Act may provide for the delegation by the Minister of any functions (other than the function of determining guaranteed prices or factors relevant to the operation of such prices) conferred or imposed on him by the order.

10 Repeal of certain enactments relating to livestock and cereals

- (1) The Livestock Industry Act, 1937, and Parts I, II, and III of the Agricultural Development Act, 1939 (which made provision for the payment of subsidies in respect of home-grown oats and barley, for promoting the sales of such barley and for the payment of subsidies in respect of fat sheep) shall cease to have effect.
- (2) On such day as the Minister of Agriculture, Fisheries and Food may by order appoint any money then standing to the credit of the Wheat Fund established under the Wheat Act, 1932, shall be paid to the said Minister and any other assets and any liabilities and obligations of the Wheat Commission constituted under that Act shall by virtue of this section and without further assurance be transferred to him.
- (3) For the purpose of subsection (3) of section seven of the Wheat Act, 1932 (which requires the preparation of accounts relating to the Wheat Fund) the cereal year current on the day appointed under subsection (2) of this section shall be deemed to end on that day.
- (4) As soon as the Minister of Agriculture, Fisheries and Food is satisfied that the said subsection (3) has been complied with on the part of the Wheat Commission in respect of the cereal year current on the day appointed under subsection (2) of this section, he shall by order dissolve that Commission, and thereupon the Wheat Acts, 1932 to 1940, shall cease to have effect.

11 Interpretation of Part I

In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

" annual review " and " special review " mean an annual review or special review held under section two of the Agriculture Act, 1947;

" consultation with producers ", in relation to any exercise of a function conferred or imposed by this Part of this Act on the Minister or the Ministers, means consultation with such bodies of persons as appear to the Minister or Ministers to represent the interests of producers of the produce concerned;

" description " includes quality;

" marketing scheme " means a scheme, for regulating the marketing of any produce under the Agricultural Marketing Acts, 1931 to 1949, or any corresponding legislation enacted by the Parliament of Northern Ireland;

" the Ministers " means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly;

" the Minister ", in relation to any part of the United Kingdom, means either that one of the Ministers who is concerned with agriculture in that part, or that Minister and either or both of the others acting jointly;

" produce " includes anything (whether live or dead) produced in the course of agriculture.