



Agricultural Marketing Act 1958

1958 CHAPTER 47

PART III

REGULATION OF IMPORTATION OF AGRICULTURAL PRODUCTS AND SALES OF HOME-PRODUCED AGRICULTURAL PRODUCTS

43 Regulation of importation of agricultural products

(1) Subject to the provisions of this section, the Board of Trade, after consultation with the Minister of Agriculture, Fisheries and Food and with the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively, may make an order regulating the importation into the United Kingdom of any such agricultural product as may be specified in the order, if it appears to the Board, after such consultation as aforesaid.—

- (a) that there have been, or are being, taken all such steps as are practicable and necessary for the efficient reorganisation, by means of agricultural marketing schemes, of those branches of the agricultural industry in the United Kingdom in whose interests the order is made; and
- (b) that without an order under this section the effective organisation and development of the said branches of the agricultural industry in the United Kingdom under such schemes as aforesaid cannot be brought about or cannot be maintained;

and any order made under this section may contain such provisions as appear to the Board of Trade, after such consultation as aforesaid, to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(2) Without prejudice to the generality of the powers conferred by the foregoing subsection, an order under this section may regulate the importation into the United Kingdom of the agricultural product to which the order relates, by determining for any such period as may be specified in the order—

- (a) the quantity of the product, or of any description thereof, which may be imported ;
- (b) the descriptions of the product which may be imported.

- (3) In deciding whether to make an order under this section, and in settling the terms of any such order, the Board of Trade shall, among other considerations, have regard to the interests of consumers of the product to which the order relates (including persons who purchase that product for the purpose of subjecting it to any treatment or process of manufacture) and to the effect which the regulation of the importation of that product into the United Kingdom is likely to have upon commercial relations between the United Kingdom and other countries ; and the Board shall not make such an order unless they are satisfied that it is not at variance with any treaty, convention or agreement for the time being in force between Her Majesty and any foreign power or between Her Majesty's Government in the United Kingdom and the government of any other country.
- (4) The power of the Board of Trade to make orders under this section shall not be exercisable in relation to livestock, that is to say, cattle, sheep or pigs, or in relation to meat of livestock other than bacon and hams.
- (5) Any expenses incurred under this section by the Board of Trade for the purpose of regulating the importation of an agricultural product into the United Kingdom shall be defrayed out of moneys provided by Parliament.
- (6) In this section " agricultural marketing scheme " means a scheme for regulating the marketing of an agricultural product either under this Act or under corresponding legislation enacted by the Parliament of Northern Ireland.

44 Regulation of sales of home-produced agricultural products

- (1) Where—
 - (a) the importation of an agricultural product into the United Kingdom is regulated by an order in force under the last foregoing section, or
 - (b) the Board of Trade certify that arrangements have been made, to the satisfaction of the Board, for controlling the importation of an agricultural product into the United Kingdom,

then, if it appears to the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively that an order under this section will conduce to the efficient reorganisation or organised development of any branch of the agricultural industry in the United Kingdom, or is necessary in order to secure the economic stability of any branch of that industry, the Ministers may, subject to the following provisions of this section, make, in respect of the said agricultural product or any related product, an order regulating sales of the product which is the subject of the order by persons producing it in the United Kingdom or by boards administering agricultural marketing schemes, by determining for any such period as may be specified in the order—

- (i) the descriptions of the product which may be sold;
- (ii) the quantity of the product, or of any description thereof, which may be sold.

In this subsection " related product " means, in relation to an agricultural product, any agricultural product from which the first-mentioned agricultural product is wholly or partly manufactured or derived, or any agricultural product wholly or partly manufactured or derived therefrom.

- (2) Nothing in an order under this section shall apply to any product in so far as it is produced outside the United Kingdom.

- (3) An order made under this section may contain such provisions as appear to the said Minister and Secretaries of State to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order, and, subject to any directions which may be contained in the order, it shall be the duty of boards administering agricultural marketing schemes to exercise their powers in such manner as appears to them to be necessary for securing that the order is not contravened.
- (4) Before making an order under this section, the said Minister and Secretaries of State shall consult the Board of Trade, and, if the order is in respect of a product the marketing of which is regulated by agricultural marketing schemes, shall also consult the boards administering those schemes.
- (5) Any expenses incurred under this section by the Minister of Agriculture, Fisheries and Food or a Secretary of State for the purpose of regulating sales of an agricultural product shall be defrayed out of moneys provided by Parliament, but such of the said expenses as the Joint Exchequer Board may determine to be properly payable by the Government of Northern Ireland shall be made good by means of deductions from the Northern Ireland residuary share of reserved taxes.
- (6) In this section " agricultural marketing scheme " has the same meaning as in the last foregoing section.

45 Extension by order of powers of boards to enable effect to be given to certain orders under Part III, etc.

- (1) With a view to enabling effect to be given to an order under this Part of this Act regulating sales of an agricultural product, or to any arrangements made by persons producing an agricultural product in Great Britain as to the quantity of that product or of any description thereof which is to be produced or sold by them, the Minister may by order—
 - (a) modify any scheme in force by inserting therein any provision which the scheme might contain by virtue of any of the following provisions of section six of this Act, that is to say, paragraph (b) of subsection (2), sub-paragraph (i) of paragraph (c) of subsection (2), subsection (3) and subsection (5);
 - (b) empower the board administering any such scheme to require every producer of the regulated product, not being a registered producer, to furnish to the board his name and address and such information relating to the regulated product as the board, with the approval of the Minister, may determine:

Provided that—

- (i) no order under this section shall be made in relation to any scheme, other than a substitutional scheme, until the expiration of the suspensory period; and
 - (ii) except with a view to enabling effect to be given to an order under this Part of this Act regulating sales of an agricultural product, no order under this section modifying a scheme or conferring any power on a board shall be made otherwise than at the request of the board.
- (2) An order under this section may make such modifications in the scheme to which the order relates as appear to the Minister to be necessary to give effect to, or to be incidental to, or consequential on, the provisions of the order made in pursuance of paragraph (a) of the foregoing subsection, and such modifications may include a provision requiring the disciplinary committee of the board to impose on, and the board to recover from, any registered producer who contravenes any provision of the

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

scheme which has effect by virtue of the provisions of the order made in pursuance of the said paragraph (a) such monetary penalties as may be specified in the order, and may prescribe the manner in which those penalties may be recovered.

- (3) Where by virtue of an order under this section a scheme requires the disciplinary committee of the board to impose on, and the board to recover from, any registered producer who contravenes any provision of the scheme inserted therein by an order made in pursuance of paragraph (a) of subsection (1) of this section such monetary penalties as may be specified in the order, then, for the purposes of subsection (4) of section nine of this Act, and of any provision of the scheme made in pursuance of the said subsection (4), the provision so inserted shall be deemed to be a provision made in pursuance of subsection (2) of section six of this Act.
- (4) So much of any scheme as, in pursuance of an order under this section, requires the disciplinary committee to impose penalties on a registered producer and the board to recover penalties from such a producer shall not be construed as preventing the disciplinary committee, if they find that a contravention has occurred, from postponing the imposition of a penalty for such period, not exceeding twelve months, as may be specified in the scheme, but save as aforesaid nothing in this or the last foregoing subsection shall be construed as derogating from the duty to impose and recover penalties imposed by the scheme in pursuance of the said order.
- (5) An order under this section shall make such modifications (if any) in the scheme to which the order relates as appear to the Minister to be necessary for securing that any provisions of the scheme relating to the right of a producer to refer to arbitration any matter arising between him and the board, and to the payment of compensation to registered producers, shall apply in relation to the order as they apply in relation to the scheme.
- (6) If any producer from whom any information is demanded by a board in the exercise of their powers under the provisions of an order made in pursuance of paragraph (b) of subsection (1) of this section, fails to comply with the demand or knowingly makes any false statement in reply thereto, he shall, for each offence, be liable on summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both such imprisonment and such fine.

46 Provisions as to orders under Part III

- (1) Every order under this Part of this Act shall be laid before Parliament as soon as may be after it is made.
- (2) As soon as may be after any order is made under this Part of this Act, the authority making the order shall, in such manner as that authority thinks best for informing persons concerned, publish a notice stating that the order has been made and specifying a place where copies of the order may be purchased.
- (3) Any order under this Part of this Act shall cease to have effect on the expiration of a period of twenty-eight days after the date on which it is made, unless, before the expiration of that period, it has been approved by resolution of each House of Parliament, so, however, that this provision shall be without prejudice to the validity of anything previously done under the order or to the making of a new order.

In reckoning for the purposes of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the House of Commons is adjourned for more than four days.

- (4) A power conferred by any of the provisions of this Part of this Act to make an order shall be construed as including a power, exercisable in the like manner, to vary or revoke the order by a subsequent order.