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## STATUTORY INSTRUMENTS

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# 1982 No. 1080

## The Agricultural Marketing (Northern Ireland) Order 1982

### PART II

#### AGRICULTURAL MARKETING SCHEMES

*Provisions as to regulation of marketing and other matters which must or may be included in schemes*

#### ***Regulation of sales of regulated products***

**8**<sup>F1</sup>.—(1) Every scheme shall require that no sale of the regulated product shall be made by any producer who is not either a registered producer or a person exempted from registration by or under the provisions of the scheme.

(2) Subject to the approval of the Department, a scheme may provide—

- (a) for requiring registered producers to sell the regulated product or any description thereof, or such quantity thereof or of any description thereof as may from time to time be determined by the board, only to, or through the agency of, the board;
- (b) for the determination from time to time of the quantity of the regulated product or of any description thereof which may be sold by any registered producer;
- (c) for the determination from time to time—
  - (i) of the descriptions of the regulated product which may be sold by any registered producer;
  - (ii) of the price at, below or above which, the terms on which, and the persons to, or through the agency of whom, the regulated product, or any description or quantity thereof, may be sold as aforesaid;
- (d) for empowering the board to receive the whole or any part of any sums payable by purchasers of the regulated product in respect of sales of that product by registered producers, and for securing that any sums so received are distributed by the board to the sellers in such manner as may be specified in the scheme or prescribed by the board.

(3) A scheme which provides for the matter set out in paragraph (2)(b) shall either specify the method of determination or require the board to prescribe it, and without prejudice to the generality of the foregoing provision, the method of determination may be such as to secure that the quantity (if any) which any particular registered producer may sell is determined wholly or partly by reference to the quantity of that product or description, as the case may be, which was, in some past period, produced, sold or otherwise dealt with on some particular land or premises or by particular persons.

(4) A scheme may provide for securing that, for all or any of the purposes of the scheme and of this Part, the sale of any product wholly or partly manufactured or derived from the regulated product shall be deemed to be a sale of the regulated product if the substance of the transaction between the seller and the buyer is that the seller, being in possession of the regulated product, agrees to subject it, or cause it to be subjected, to some process and to sell the resulting product to the buyer; and where,

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in the case of any scheme, the regulated product is livestock of any kind, then, without prejudice to the foregoing provisions of this paragraph, the scheme may provide for securing that, for all or any of the purposes aforesaid, a person shall be deemed to sell the regulated product if he sells the carcasses or parts of the carcasses of any livestock of that kind, being livestock produced by him.

(5) Any producer who sells the regulated product in contravention of the provisions of a scheme made in pursuance of paragraph (1) shall be guilty of an offence and for each offence be liable—

- (a) on summary conviction to a fine not exceeding<sup>[F2]</sup> level 5 on the standard scale] and to an additional fine not exceeding half the price at which the product was sold;
- (b) on conviction on indictment to a fine.

(6) Where any court imposes a fine for an offence under paragraph (5), the court may, if it thinks fit, having regard to the prejudicial effect which the commission of the offence has had or is likely to have on the operation of the scheme, direct the whole or any part of the fine to be paid to the board.

**F1** mod. by 1984 NI 12, SR 1995/103

**F2** 1984 NI 3

***Further provisions as to marketing of regulated product and provisions for encouragement of co-operation, education and research***

**9**<sup>F3</sup>.—(1) Subject to the approval of the Department, a scheme may provide—

- (a) for empowering the board to buy the regulated product or goods wholly or partly manufactured or derived from that product, to produce goods wholly or partly manufactured or derived from that product and to sell, grade, pack, store, adapt for sale, insure, advertise, promote the sale of and transport the regulated product and any goods so bought or produced by the board;
- (b) for empowering the board to buy from the board administering any corresponding scheme any product the marketing of which is regulated by that scheme, to produce from anything so bought any goods which the board is authorised to produce from the regulated product, and to sell, grade, pack, store, adapt for sale, insure, advertise, promote the sale of and transport anything so bought and any goods produced therefrom by the board;
- (c) for empowering the board to exercise, as agents for the board administering any corresponding scheme, any power of that board to sell, grade, pack, store, adapt for sale, insure, advertise, promote the sale of and transport any product the marketing of which is regulated by that scheme;
- (d) for empowering the board to manufacture or acquire, and to sell or let for hire to register producers and other persons, anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of the regulated product;
- (e) for empowering the board to render to registered producers and other persons, on payment or otherwise, any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of the regulated product;
- (f) for empowering the board to co-operate with any other person in doing anything which the board is or might be empowered to do by virtue of any of the foregoing provisions of this paragraph;
- (g) for empowering the board to do anything calculated to procure, promote or facilitate the doing by any other person of anything in the doing of which the board is or might be empowered to co-operate by virtue of sub-paragraph (f);
- (h) for regulating the manner in which the regulated product or any description or quantity thereof is to be graded by or on behalf of registered producers, or the manner in which the

regulated product or any description or quantity thereof is to be marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of registered producers;

- (i) without prejudice to any functions of the Department under section 5 of the Agriculture Act (Northern Ireland) 1949<sup>F4</sup>, for enabling the board to encourage, promote or conduct agricultural co-operation, research and education;
- (j) for empowering the board to acquire, hold and dispose of securities in, and arrange for the formation of, a body corporate whose principal object is to do anything which the board is or might be empowered to do by virtue of sub-paragraph (a), (d) or (e) and for regulating the exercise by the board of any powers exercisable by it in relation to the appointment of directors of any such body corporate.

(2) A provision included in a scheme by virtue of paragraph (1)(d) or (e) shall be so framed as to secure that the things sold or let for hire, and the services rendered, are sold, let for hire or rendered, either exclusively or primarily, in such circumstances as to be likely to be utilised, either wholly or mainly, by, or in connection with the regulated product produced by, registered producers, and paragraphs (1)(f), (g) and (j) shall be construed accordingly.

(3) In this Article “corresponding scheme” means, in relation to a scheme, any scheme under corresponding legislation enacted by the Parliament of the United Kingdom, being a scheme for regulating the marketing of the same product as the product the marketing of which is regulated by the first-mentioned scheme.

**F3** mod. by 1984 NI 12, SR 1995/103

**F4** 1949 c. 2 (NI)

### ***Miscellaneous provisions of schemes***

**10**<sup>F5</sup>.—(1) Every scheme shall provide—

- (a) for exempting from all or any of the provisions of the scheme producers and sales of such classes or descriptions as may be specified in the scheme or determined by the board;
- (b) for securing that any producer who is aggrieved by any act or omission of the board may refer the matter to one or more arbitrators appointed in such manner as may be provided by the scheme, and for the manner in which any such reference is to be heard and determined;
- (c) for requiring the register of producers to be open for inspection at such times as may be specified by the scheme, and for requiring the board to furnish a copy of the register or of any part thereof to any person demanding it, on payment of such fee as may be specified by the scheme;
- (d) for the removal from the register of producers of the names of persons who have ceased to be producers or are exempted from registration.

(2) Subject to the approval of the department, a scheme may provide—

- (a) for empowering any person authorised in writing by the board, for the purpose of securing compliance with the scheme, to enter and inspect, at any reasonable time and on production of his authority, any part of the land or premises occupied by any registered producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing the regulated product or for doing any of the following things which is regulated by the scheme, that is to say, grading, marking, packing or storing the regulated product or adapting it for sale;
- (b) for requiring registered producers to furnish to the board such estimates, returns, accounts and other information relating to the regulated product as the board considers necessary for the operation of the scheme.

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(3) A scheme may provide for securing that where, by reason of a registered producer dying, or becoming subject to some legal disability, or entering into a composition or scheme of arrangement with his creditors, any property in, or control of, the regulated product is transferred from the registered producer to a personal representative, trustee, assignee, committee or other person, the personal representative, trustee, assignee, committee or other person, as the case may be, shall, in such circumstances and in respect of such matters as may be specified in the scheme, be deemed to be a registered producer.

(4) A scheme shall provide for the calling by the board of annual general and other meetings of registered producers and may make provision for the business to be conducted at such meetings.

(5) Every scheme may further provide for such matters as are incidental to or consequential on the provisions of this Part relating to the contents of schemes or are necessary for giving effect to those provisions.

**F5** mod. by [1984 NI 12](#), SR 1995/103

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**Changes and effects yet to be applied to :**

- [Instrument mod. \(prosp.\) by 1998 c. 41 s.45\(7\)Sch.7 Pt.II para.20\(2\)\(c\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.8 rev.inpt. and am. \(prosp.\) by 1998 c. 41 s.74\(1\)\(3\)Sch.12 para.6Sch.14 Pt.II](#)