



Fertilisers and Feeding Stuffs Act 1926

1926 CHAPTER 45

Civil Liabilities

1 Obligation to furnish statutory statements

- (1) It shall be the duty of every person who sells for use as a fertiliser of the soil or as food for cattle or poultry any article included in the first column of the First or Second Schedule to this Act, whatever may be the name under which the article is sold, to give the purchaser on or before delivery, or as soon as reasonably practicable thereafter, a statement in writing (hereinafter referred to as a statutory statement) in such form (if any) as may be prescribed, containing the following particulars :—
- (a) the name under which the article is sold;
 - (b) such particulars (if any) of the nature, substance, or quality of the article as are in relation to the article mentioned in the second column of such schedule;
 - (c) where the article, if a feeding stuff, contains any ingredient included in the Third Schedule to this Act, the name of such ingredient:

Provided that the obligation so imposed shall not apply—

- (i) to sales of two or more articles which are mixed at the request of the purchaser before delivery to him :
 - (ii) to sales of small quantities (that is to say, sales in quantities of fifty-six pounds or less) if the article sold is taken in the presence of the purchaser from a parcel bearing a conspicuous label on which are marked in the prescribed manner the particulars required by this section to be contained in the statutory statement.
- (2) Failure to give a statutory statement in accordance with the provisions of this section shall not invalidate a contract for sale.

2 Warranties

- (1) A statutory statement given by the seller of any such article as aforesaid shall, notwithstanding any contract or notice to the contrary, have effect as a written warranty by the seller that the particulars contained in the statutory statement are correct.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) On the sale for use as food for cattle or poultry of an article included in the first column of the First or Second Schedule to this Act there shall be implied, notwithstanding any contract or notice to the contrary, a warranty by the seller that the article is suitable to be used as such, and does not, except as otherwise expressly stated in the statutory statement, contain any ingredient included in the Third Schedule to this Act.
- (3) Where an article sold for use as a fertiliser of the soil or as food for cattle or poultry is in a statutory statement or other document described by a name specified in the first column of the Fourth Schedule to this Act, the sale of the article under that name shall have effect as a written warranty that the article accords with the definition thereof contained in the second column of that schedule.
- (4) Any statement as to the amount of chemical or other ingredients or as to the fineness of grinding of an article sold for use as a fertiliser of the soil, or as to the amount of the nutritive or other ingredients of an article sold for use as food for cattle or poultry, which is made after the commencement of this Act in any written document (other than a statutory statement) descriptive of the article shall have effect as a warranty by the seller that the facts stated are correct.
- (5) No action on any such warranty as is mentioned in this section shall lie for any mis-statement therein as to the particulars of the nature, substance or quality of the article or as to the amount of any ingredient where the mis-statement does not exceed the limits of variation (if any) prescribed under this Act in relation to such particulars or amounts, but where the misstatement exceeds such limits, the rights of the purchaser under the warranty shall not be affected by such limits.

3 Right of purchaser to have article sampled and analysed

- (1) The purchaser of any article included in the first column of the First or Second Schedule to this Act, or of any fertiliser or feeding stuff not included therein in respect of which a warranty, express or implied, has been given by the seller, shall, on payment of such fee (if any) as may be fixed under this Act, be entitled to have a sample of the article taken by an official sampler in the prescribed manner and analysed by the agricultural analyst, and to receive from the analyst a certificate of the result of his analysis :

Provided that a purchaser of an article who requires a sample to be taken under this section shall, if so requested, furnish to the official sampler who takes the sample the statutory statement or warranty relating to the article, or a copy thereof.

- (2) A sample taken under this Act by an official sampler at the request of a purchaser shall be taken in the prescribed manner, and shall not be taken after the expiration of fourteen days from the delivery to the purchaser of the article sampled, or the receipt by the purchaser of the statutory statement or warranty, whichever date may be the later.