



# Agriculture and Horticulture Act 1964

## 1964 CHAPTER 28

### PART III

#### GRADING AND TRANSPORT OF FRESH HORTICULTURAL PRODUCE

##### *Miscellaneous*

#### **22 Miscellaneous amendments**

- (1) The Agricultural Produce (Grading and Marking) Acts 1928 and 1931 shall cease to apply to fresh horticultural produce.
- (2) Neither a label in a form prescribed under this Part of this Act, or under corresponding provisions of any enactment of the Parliament of Northern Ireland for the time being in force, nor a grade designation so prescribed shall for the purposes of the Merchandise Marks Acts 1887 to 1953 or any enactment for the time being amending or supplementing those Acts be treated, when applied to any fresh horticultural produce, as a trade description within the meaning of section 2 of the Merchandise Marks Act 1887.
- (3) Notwithstanding anything in section 7 of the Agricultural Marketing Act 1958, a scheme under that Act shall not empower the board administering the scheme—
  - (a) to grade, or regulate the grading or marking of, any produce to which regulations under section 11(1) of this Act apply, or
  - (b) to pack or transport, or regulate the packing or transporting of, any produce to which regulations under section 21 of this Act apply,otherwise than in conformity with the regulations under the said section 11(1) or 21, as the case may be.

In relation to the doing of any act in Northern Ireland, references in the foregoing provisions of this subsection to section 11(1) or 21 of this Act shall be construed as references to the corresponding provisions of any enactment of the Parliament of Northern Ireland for the time being in force.