



Cereals Marketing Act 1965 (repealed)

1965 CHAPTER 14

PART III

FINANCIAL AND SUPPLEMENTARY PROVISIONS

Financial

12 Contributions by Minister of Agriculture, Fisheries and Food.

- (1) The Minister of Agriculture, Fisheries and Food (in this section referred to as “the Minister”) may, with the consent of the Treasury, make contributions out of moneys provided by Parliament towards expenditure incurred or to be incurred by the Authority in the performance of their functions under Part I of this Act (including Schedule 1 to this Act) . . . ^{F1}
- (2) Any contributions under this section may be made subject to any conditions regulating or restricting the functions of the Authority, imposing requirements as to the inspection of accounts and records, or relating to other matters, which the Minister may specify; and the Minister may recover the whole or any part of a contribution which is made subject to a condition, if that condition is not complied with.
- (3) Any sums recovered by the Minister under the last preceding subsection shall be paid into the Exchequer.

Textual Amendments

F1 Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

13 Orders prescribing rates of levy.

- (1) Before the beginning of each year the Authority shall prepare and submit to the Ministers . . . ^{F2}—

Status: Point in time view as at 01/10/1991.

Changes to legislation: There are currently no known outstanding effects for the Cereals Marketing Act 1965 (repealed), Part III. (See end of Document for details)

- (a) an estimate of the amount required to be raised by levy for that year for the purposes of the Authority’s functions under Part I of this Act . . . ^{F3}
- (2) Together with any estimate submitted under this section, the Authority shall submit to the Ministers proposals as to—
 - (a) the kinds of home-grown cereals in respect of which a levy should be imposed, and
 - (b) the apportionment of the amount specified in the estimate as between those kinds of home-grown cereals.
- (3) As soon as practicable after the submission to the Ministers of one or more estimates for any year under this section, the Ministers shall—
 - (a) determine the amount to be raised by levy for that year for the purposes of the Authority’s functions under Part I of this Act, . . . ^{F3} and the kinds of home-grown cereals in respect of which a levy is to be imposed for that year, and
 - (b) apportion the amount . . . ^{F3} so determined as between those kinds of home-grown cereals, and
 - (c) make an order for that year specifying, in respect of each of those kinds of home-grown cereals, such rate of levy as appears to the Ministers to be sufficient (but not more than sufficient) to meet the amount . . . ^{F3} apportioned to that kind of home-grown cereals under this subsection.
- (4) The rates of levy specified in an order under this section may be expressed either by reference to quantity of home-grown cereals delivered or to [^{F4}area] of land used for the growing of home-grown cereals or partly in the one way and partly in the other; and the order shall include provision as to the way in which any such quantity or [^{F4}area] is to be determined for the purposes of the levy.
- (5) The provisions of Schedule 3 to this Act shall have effect with respect to estimates and orders under this section, and otherwise with respect to levies under this Part of this Act.

Subordinate Legislation Made

P1 [S. 13\(3\)](#): s. 13(3) (with ss. 23(1) and 24(1)) power exercised by [S.I. 1991/1303](#)
For previous exercises of power see Index to Government Orders

Textual Amendments

- F2** Word repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)
- F3** Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)
- F4** Word substituted by [S.I. 1979/26](#), [reg. 2](#)

14, 15. ^{F5}

Textual Amendments

F5 [Ss. 2–5, 8–11, 14, 15, 19\(2\)–\(4\)](#) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

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16 †Scheme for raising levy otherwise than by deduction.

- [^{F6}(1) The Authority may at any time prepare and submit to the Ministers a scheme for imposing a levy on persons specified in the scheme who are growers or processors of, or dealers in, home-grown cereals of a kind so specified or who in the course of their business act as intermediaries in the selling and buying of such cereals.
- (1A) Before submitting a scheme under subsection (1) above, the Authority shall in such manner as they consider appropriate consult such persons or organisations as appear to them to represent the interests concerned.]
- (2) So far as is necessary for determining the liability of persons to a levy imposed in accordance with a scheme under this section, such a scheme may confer on the Authority power to require [^{F7}any such persons as are mentioned in subsection (1) above]—
- (a) to be registered in a register kept for the purpose by the Authority;
 - (b) to furnish returns and other information, and to produce for examination on behalf of the Authority books and other documents in their custody or under their control; and
 - (c) to keep records and to produce them for examination on behalf of the Authority.
- [^{F8}(2A) A scheme under this section—
- (a) may authorise such of the persons on whom the levy is imposed as may be specified in the scheme to recover all or part of the levy payable by them from such other persons (being persons mentioned in subsection (1) above) as may be so specified and may provide for direct collection from those other persons; and
 - (b) may authorise the deduction from the levy payable by persons with such a right of recovery, or the repayment to them, of—
 - (i) such amounts as may be determined in accordance with the scheme in respect of expenses incurred by them in exercising that right, and
 - (ii) any sums which are in accordance with the scheme to be treated as irrecoverable.]
- (3) Any scheme under this section may be varied or revoked by a subsequent scheme thereunder.
- (4) A scheme under this section shall not have effect unless it is approved by the Ministers by order [^{F9}after consultation with such persons or organisations as appear to the Ministers to represent the interests concerned]; and any such order may approve the scheme with or without modifications, and may be revoked by a subsequent order, whether the subsequent order is made for the purpose of approving another scheme under this section or not.
- (5) An order under the last preceding subsection shall be of no effect unless it is approved by a resolution of each House of Parliament.
- (6) [^{F10}Where for any year the Ministers have made an order under section 13 of this Act specifying a rate of levy for that year in respect of any kind of home-grown cereals], a levy for that year shall be imposed on [^{F11}the persons or classes of persons specified in the scheme as liable to a levy on home-grown cereals] of that kind—

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- (a) at the rate specified in relation thereto in the order for that year made under section 13 of this Act, and in accordance with such provisions as to quantity or [^{F12}area] as are contained in that order, and
- (b) in other respects, in accordance with the provisions of any scheme relating to that kind of home-grown cereals which is for the time being in force by virtue of this section.

Subordinate Legislation Made

- P2** S. 16(4): s. 16(4)(with ss. 23(1) and 24(1)) power exercised by S.I. 1991/1302
For previous exercises of power see Index to Government Orders.

Textual Amendments

- F6** S. 16(1)(1A) substituted for s. 16(1) by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(2)
F7 Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(3)
F8 S. 16(2A) inserted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(4)
F9 Words inserted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62, SIF 2:1), s. 16(2)
F10 Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), Sch. 3 para. 2(c)
F11 Words substituted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62, SIF 2:1), s. 16(1)
F12 Word substituted by S.I. 1979/26, reg. 2

Modifications etc. (not altering text)

- C1** Unreliable marginal note

17 Offences in relation to scheme under s. 16.

- (1) Any person who fails to comply with the requirement imposed by or under a scheme in accordance with subsection (2) of the last preceding section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F13}level 3 on the standard scale] or to imprisonment for a term not exceeding three months or both.
- (2) Returns or other information furnished to or obtained by any person in pursuance of such a requirement shall not be disclosed except—
 - (a) with the written consent of the person by whom the information was furnished, or
 - (b) to a member, officer or servant of the Authority, or
 - (c) to any of the three Ministers mentioned in section 24(1) of this Act or an officer or servant appointed by one of those Ministers, or
 - (d) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any one person or business to be ascertained from it, or
 - (e) for the purposes of any proceedings pursuant to this Act or of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise, or for the purposes of a report of any such proceedings.
- (3) Any person who—
 - (a) in furnishing any information for the purposes of a scheme under the last preceding section, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, or

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- (b) wilfully makes a false entry in any document which is required to be produced in pursuance of any such scheme, or
 - (c) discloses any information in contravention of subsection (2) of this section,
- shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

Textual Amendments

F13 Words substituted (E.W.) (S.) (N.I.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 54](#)) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

Modifications etc. (not altering text)

- C2** S. 17(2): disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)\(a\)](#), [Sch. 4 Pt. I para. 3](#)
- C3** S. 17(2)(c) modified (21.11.2002) by [S.I. 2002/2843, art. 6\(5\)](#) (with transitional provisions in [art. 10](#))

18 Reserve funds.

- (1) The Authority may establish and thereafter maintain a reserve fund for the purposes of their functions under Part I of this Act, . . . ^{F14}
- (2) Any moneys for the time being comprised in a reserve fund maintained under this section, and any other moneys of the Authority which are not for the time being required for any other purpose, may be invested in accordance with the next following subsection.
- (3) Sections 1, 2, 5, 6, 12 and 13 of the ^{M1}Trustee Investments Act 1961 (which relate to the investment powers of trustees) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Authority were the trustees of that trust fund.

Textual Amendments

F14 Words repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

Marginal Citations

M1 [1961 c. 62\(98:4, 128\)](#).

19 Borrowing powers.

- (1) Subject to the following provisions of this section, the Authority may borrow money and may pledge, mortgage or charge any of their property, including the proceeds of any levy under this Part of this Act.
- (2) ^{F15}

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Textual Amendments

F15 Ss. 2–5, 8–11, 14, 15, 19(2)–(4) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [Sch. 4](#)

Supplementary

20 Powers of Ministers.

- (1) The Ministers, after consultation with the Authority, may give to the Authority such directions of a general character with respect to the performance of any functions of the Authority as appear to the Ministers to be requisite in the public interest; and it shall be the duty of the Authority to comply with any such directions.
- [^{F16}(2) Any information obtained by the Intervention Board for Agricultural Produce may be disclosed to the Authority for the purpose of assisting them in collecting any levy imposed under this Act; and any such disclosure shall not be treated as a breach of contract, trust or confidence.]

Textual Amendments

F16 S. 20(2) substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), [s. 5\(5\)](#)

21 Report and accounts of Authority.

- (1) As soon as may be after the end of each accounting period the Authority shall prepare and submit to the Ministers a report on the discharge of their functions under this Act during that period, and the Ministers shall lay a copy of the report before each House of Parliament.
- (2) The Authority shall keep proper accounts and shall prepare in respect of each of their accounting periods statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of the Authority for each accounting period shall be audited by auditors who are qualified accountants appointed for the purpose by the Authority.
- (3) As soon as may be after the accounts of the Authority have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statements and report before each House of Parliament.
- (4) Copies of reports and statements of account prepared by the Authority under this section shall be made available to the public at a reasonable price.
- (5) In this section—
 - (a) “accounting period” means the period beginning with the establishment of the Authority and ending with such date falling not more than twelve months later as the Authority may determine, or any subsequent period of not more than fifteen months, beginning with the end of a previous accounting period, which the Authority may appoint, and
 - (b) “qualified accountant” means [^{F17} a person who is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]

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Textual Amendments

F17 Words in s. 21(5)(b) substituted (01.10.1991) by S.I. 1991/1997, reg. 2, Sch. (with reg. 4).

Modifications etc. (not altering text)

C4 S. 21 modified (21.11.2002) by S.I. 2002/2843, art. 6(5) (with transitional provisions in art. 10)

C5 S. 21(2) continued (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

22 Prosecution of offences.

- (1) No proceedings for an offence under this Act shall be instituted in England or Wales except—
 - (a) by the Authority, or
 - (b) by, or with the consent of, the Director of Public Prosecutions.
- (2) No proceedings for an offence under this Act shall be instituted in Northern Ireland except—
 - (a) by the Authority, or
 - (b) by, or with the consent of, the Attorney General for Northern Ireland.
- (3) Where a body corporate is guilty of an offence under this Act, and that offence 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 guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (4) In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

23 Provisions as to schemes, orders and regulations.

- (1) Any scheme, order or regulations made under this Act may make different provision as to different kinds of home-grown cereals, or in relation to different parts of the United Kingdom, and may in any other respect make different provision in relation to different cases.
- (2) Any power to make an order or regulations under this Act shall be exercisable by statutory instrument.
- (3) Subject to the next following subsection, any statutory instrument containing an order or regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The last preceding subsection shall not apply to any order under section 7 of this Act of which, by virtue of subsection (3) of that section, a draft is required to be laid before Parliament, and shall not apply to any order under . . . ^{F18}, section 16 . . . ^{F18} of this Act.

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Subordinate Legislation Made

- P3** S. 23(1): s. 16(4) (with ss. 23(1) and 24(1)) power exercised by S.I. 1991/1302
S. 23: For previous exercises of power see Index to Government Orders.
- P4** S. 23(1): s. 13(3) (with ss. 23(1) and 24(1)) power exercised by S.I. 1991/1303

Textual Amendments

- F18** Words repealed by Agriculture Act 1986 (c. 49, SIF 2:1), Sch. 4

24 Interpretation.

- (1) In this Act “the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, and, in the case of anything falling to be done by the Ministers, means those three Ministers acting jointly, and “the appropriate Minister or Ministers”—
- in relation to the whole of the United Kingdom, means those three Ministers, and, in the case of anything falling to be done by the appropriate Minister or Ministers, means those Ministers acting jointly;
 - in relation to the whole of Great Britain, means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland, and, in the case of anything falling to be done by the appropriate Minister or Ministers, means those two Ministers acting jointly;
 - in relation to England and Wales separately, means the Minister of Agriculture, Fisheries and Food;
 - in relation to Scotland separately, means the Secretary of State concerned with agriculture in Scotland; and
 - in relation to Northern Ireland separately, means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Northern Ireland, and, in the case of anything falling to be done by the appropriate Minister or Ministers, means those two Ministers acting jointly.
- (2) In this Act, except in so far as the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively, that is to say:—
- F19
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...
- “functions” includes powers and duties, and any reference to the performance of functions shall be construed accordingly;
- “home-grown cereals” means cereals grown in the United Kingdom and being either wheat, barley, oats, [F20rye, maize [F21, triticale, rapeseed, linseed, soyabean or sunflower seed]];
- F19
...
- “related product” has the meaning assigned to it by section 1(10) of the M2Agriculture and Horticulture Act 1964;
- [F22“wheat” includes durum wheat];
- [F23“year” means a period of twelve months beginning with the [F241st July] in any calendar year.]

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- (3) Any reference in this Act to a kind of cereals (whether home-grown cereals or not) is a reference to one of the following kinds, that is to say, wheat, barley, oats, [^{F25}rye, maize [^{F26}, triticale, rapeseed, linseed, soyabean and sunflower seed]].
- (4) In this Act any reference to delivery of cereals includes a reference to the despatch of cereals to the buyer under a contract of sale or on the instructions of such a buyer; and—
- (a)^{F27} any order under section 13 of this Act, may include provision whereby, for the purposes of the^{F27} order, home-grown cereals shall be treated as delivered in such circumstances (in addition to actual delivery or despatch) as may be specified in [^{F28}the order], . . .^{F29}
- (b) . . .^{F29}
- (5) In this Act any reference to a dealer in home-grown cereals is a reference to a person trading as a [^{F30}wholesale buyer or seller] of home-grown cereals, and any reference to a person who processes home-grown cereals is a reference to a person who applies an industrial process to home-grown cereals . . .^{F31} in the course of a business carried on by him.
- (6) In this Act any reference to a part of the United Kingdom is a reference to one, or any two, of the three following, that is to say—
- (a) England and Wales;
- (b) Scotland;
- (c) Northern Ireland.
- (7) Except insofar as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

Subordinate Legislation Made

- P5** S. 24: S. 16(4) (with ss. 23(1) and 24(1)) power exercised by S.I. 1991/1302
For previous exercises of power see Index to Government Orders
- P6** S. 24(1): s. 13(3) (with ss. 23(1) and 24(1)) power exercised by S.I.1991/1303

Textual Amendments

- F19** Definition repealed by Agriculture Act 1986 (c. 49, SIF 2:1), Sch. 4
- F20** Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 6(7)(a)(i)
- F21** Words substituted by virtue of S.I. 1989/1200, arts. 3, 4(1)(a)
- F22** Words inserted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 6(7)(a)(ii)
- F23** Words substituted by S.I. 1977/181, reg. 2
- F24** Words substituted by virtue of S.I. 1989/1200, arts. 3, 4(1)(b)
- F25** Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 6(7)(b)
- F26** Words substituted by virtue of S.I. 1989/1200, art. 4(2)(3)
- F27** Words repealed by Agriculture Act 1986 (c. 49, SIF 2:1), Sch. 4
- F28** Words inserted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(6)(a)
- F29** Para. (b) together with the word “and” immediately preceding it repealed by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(7)
- F30** Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 5(6)(b)
- F31** Words inserted by Agriculture (Miscellaneous Provisions) Act 1972 (c. 62, SIF 2:1), s. 16(3) and repealed by Agriculture Act 1986 (c. 49, SIF 2:1), Sch. 4

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Modifications etc. (not altering text)

C6 S. 24(2)(3) excluded by [Agriculture Act 1970 \(c. 40, SIF 2:1\)](#), s. 107(2)

Marginal Citations

M2 [1964 c. 28\(2:1\)](#).

25 Short title and extent.

- (1) This Act may be cited as the Cereals Marketing Act 1965.
- (2) This Act extends to Northern Ireland.

Status:

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