



Agricultural Marketing Act 1958

1958 CHAPTER 47 6 and 7 Eliz 2

PART I

AGRICULTURAL MARKETING SCHEMES

Relations of Boards with Ministers, etc.

19 Consumers' committees and committees of investigation.

- (1) The Minister shall appoint two committees (hereafter in this Act referred to as a "consumers' committee" and a "committee of investigation") for Great Britain, for England and Wales and for Scotland respectively.
- (2) A consumers' committee shall—
 - (a) consist of a chairman and not less than six other members, who shall be such persons as appear to the Minister, after consultation as to one member with the Co-operative Union, to represent the interests of the consumers of all the products the marketing of which is for the time being regulated by schemes approved by the Minister; and
 - (b) be charged with the duty of considering and reporting to the Minister on—
 - (i) the effect of any scheme approved by the Minister, which is for the time being in force, on consumers of the regulated product; and
 - (ii) any complaints made to the committee as to the effect of any such scheme on consumers of the regulated product.
- (3) A committee of investigation shall—
 - (a) consist of a chairman and either four or five other members; and
 - (b) be charged with the duty, if the Minister in any case so directs, of considering, and reporting to the Minister on, any report made by a consumers' committee and any complaint made to the Minister as to the operation of any scheme which, in the opinion of the Minister, could not be considered by a consumers' committee under the last foregoing subsection.

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- (4) On receiving the report of a committee of investigation under this section the Minister shall forthwith publish the conclusions of the committee in such manner as he thinks fit.
- (5) For the purpose of enabling any committee appointed under this section to consider any matter which it is their duty under this section to consider, the board administering the scheme to which the matter relates shall furnish the committee with such accounts and other information relating to the affairs of the board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to the matter in such manner as may be prescribed by regulations made by the Minister under this Part of this Act with respect to the procedure of the committee.
- (6) If a committee of investigation report to the Minister that any provision of a scheme or any act or omission of a board administering a scheme is contrary to the interests of consumers of the regulated product, or is contrary to the interests of any persons affected by the scheme and is not in the public interest, the Minister, if he thinks fit so to do after considering the report—
- (a) may by order make such amendments in the scheme as he considers necessary or expedient for the purpose of rectifying the matter;
 - (b) may by order revoke the scheme;
 - (c) in the event of the matter being one which it is within the power of the board to rectify, may by order direct the board to take such steps to rectify the matter as may be specified in the order, and thereupon it shall be the duty of the board forthwith to comply with the order.

Before taking any action under this subsection the Minister shall give the board notice of the action which he proposes to take and shall consider any representations made by the board within fourteen days after the date of the notice.

- (7) The Minister may at any time, after consultation with the board concerned, by order revoke or vary any order in force under paragraph (c) of the last foregoing subsection so as either—
- (a) to withdraw the whole or any part of the directions in force thereunder; or
 - (b) to vary or add to those directions in any manner which he thinks necessary or expedient in order better to attain the purposes for which those directions were given:

Provided that, except with the consent of the board, the Minister shall not vary or add to any directions under paragraph (b) of this subsection where, in his opinion, the need for the variation or addition arose from circumstances not obtaining at the date when the directions were given.

Any order made under this subsection shall state the general nature of the reasons for the making thereof.

- (8) Any order made under paragraph (a) of subsection (6) of this section, under paragraph (c) of that subsection or under the last foregoing subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament, and any order made under paragraph (b) of the said subsection (6) shall not take effect unless it has been approved by a resolution of each House of Parliament.
- (9) In considering for the purpose of this section whether any person represents the interests of consumers of any product, or whether any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of any product, regard

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shall be had to the interests of persons who purchase the product, or commodities produced wholly or partly therefrom, for their own consumption or use and not to the interests of persons who purchase the product, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

- [^{F1}19A
- (1) The provisions of this section shall have effect where a report made by the Monopolies and Mergers Commission under section 54 of the Fair Trading Act 1973 [^{F2}or section 8 or 11 of the Competition Act 1980], as laid before Parliament, contains conclusions to the effect—
- (a) that certain matters indicated in the report operate, or may be expected to operate, against the public interest, and
 - (b) that those matters consist of or include any provision of a scheme or any act or omission of a board administering a scheme.
- (2) In the circumstances mentioned in subsection (1) of this section, the Minister shall have the like power to make orders under section 19 of this Act as if those conclusions of the Monopolies and Mergers Commission—
- (a) had been to the effect that the provision of the scheme in question, or the act or omission of the board to which those conclusions relate, were contrary to the interests of consumers of the regulated product, and
 - (b) had been contained in a report of a committee of investigation.]

Textual Amendments

F1 S. 19A inserted by [Fair Trading Act 1973 \(c.41, SIF 124:1\)](#), s. 127

F2 Words inserted by [Competition Act 1980 \(c. 21, SIF 124:1\)](#), s. 15(1)

Modifications etc. (not altering text)

C1 S. 19A modified by [Fair Trading Act 1973 \(c. 41, SIF 124:1\)](#), s. 4(4), [Sch. 3 para. 16\(2\)](#)

C2 S. 19A modified (*prosp.*) by 1998 c. 41, s. 45(7), [Sch. 7 Pt. II para. 20\(2\)\(b\)](#) (with s. 73).

20 Directions by Ministers to boards as respects certain matters.

- (1) This section shall have effect with respect to any powers exercisable by a board by virtue of any provision of a scheme providing for any of the following matters, that is to say—
- (a) for empowering the board to buy the regulated product, to produce commodities from that product, and to sell the regulated product and any commodity so produced by the board;
 - (b) for the determination from time to time—
 - (i) of the quantity of the regulated product, or of any description thereof, which may be sold by any registered producer;
 - (ii) of the descriptions of the regulated product which may be sold by any registered producer;
 - (iii) of the price at, below or above which, the terms on which, and the persons to whom, or through the agency of whom, the regulated product, or any description or quantity thereof, may be sold by any registered producer;

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and references in the following provisions of this section to acts or omissions of the board shall be construed as references to acts or omissions of the board in the exercise of any of the said powers.

- (2) Subject to the provisions of this section, if it appears to the Minister that the result, or one of the results, of any act or omission of the board or intended act or omission of the board is or will be either—
- (a) to restrict the purposes for which the regulated product, or any description thereof, is used, or to limit the quantity of the regulated product, or of any description thereof, which is used for any particular purpose, or
 - (b) to limit the quantity of the regulated product, or of any description thereof, or of any commodity produced therefrom, which is produced or sold, whether by registered producers or by other persons, or
 - (c) to regulate the price at which the regulated product, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by registered producers or by other persons, or
 - (d) to limit the classes of persons to whom or through the agency of whom the regulated product, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by registered producers or by other persons,

and that that result is or will be contrary to the public interest, the Minister may by order give to the board such directions as to their acts or omissions as he considers necessary or expedient for the purpose of preventing that result or, as the case may be, preventing or mitigating the damage to the public interest entailed thereby, and it shall be the duty of the board to comply with that order:

Provided that nothing in this subsection shall be construed as authorising or requiring the board to do anything which they have no power to do under the scheme.

- (3) Before making an order under subsection (2) of this section the Minister shall give to the board notice in writing stating the general nature of the action which he proposes to take and of his reasons for taking it, and shall not make any order under that subsection for at least twenty-eight days after the date of the notice, and if, within the said period of twenty-eight days or such longer period as the Minister may allow, the board request that the question whether or not any such act or omission or intended act or omission of the board as is referred to in the notice has or will have any such result as is mentioned in paragraphs (a) to (d) of the said subsection (2), and, if so, whether or not that result is or will be contrary to the public interest, should be referred to a committee of investigation, the Minister shall refer that question to the committee of investigation accordingly and shall not make any order under that subsection until he has considered their report.
- (4) Where a question has been referred to a committee of investigation under the last foregoing subsection, it shall be the duty of the committee to consider that question and report to the Minister thereon, and the Minister on receiving their report shall forthwith publish the conclusions of the committee in such manner as he thinks fit, shall proceed to consider the report and may then make such order, if any, under subsection (2) of this section as he thinks fit:

Provided that the Minister shall not make any such order except after consulting the board and shall not in any event make any such order unless [^{F3}either]—

- (a) the committee report that the relevant act or omission or intended act or omission of the board has or will have any such result as is specified in

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- paragraphs (a) to (d) of the said subsection (2) and that that result is or will be contrary to the public interest; [^{F3}or]
- ^{F3}(b) the relevant act or omission or intended act or omission of the board relates to, or to a commodity produced from, a commodity for the time being specified in the First Schedule to the ^{M1}Agriculture Act, 1957.]
- (5) The Minister may at any time, after consultation with the board concerned, by order revoke or vary any order in force under the said subsection (2) so as either—
- (a) to withdraw the whole or any part of the directions in force thereunder; or
 - (b) to vary or add to those directions in any manner which he thinks necessary or expedient in order better to attain the purposes for which those directions were given:
- Provided that, except with the consent of the board, the Minister shall not vary or add to any directions under paragraph (b) of this subsection where, in his opinion, the need for the variation or addition arose from circumstances not obtaining at the date when the directions were given.
- (6) Any order made under any of the provisions of this section shall state the general nature of the reasons for the making thereof and shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) For the purpose of enabling a committee of investigation to consider any question which it is their duty under this section to consider, the board administering the scheme to which the question relates shall furnish the committee with such accounts and other information relating to the functions of the board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to that question in such manner as may be prescribed by regulations made by the Minister under this Part of this Act with respect to the procedure of the committee.

Textual Amendments

- F3** Words and s. 20(4)(b) repealed (the repeal extending to N.I. except so far as relating to potatoes) (27.7.1993 but 4.8.1993 so far as relating to potatoes) by [1993 c. 37, ss. 64, 65, Sch.5; S.I. 1993/2038, art.2.](#)

Modifications etc. (not altering text)

- C3** [S. 20\(1\)](#) saved by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 45\(6\)](#)

Marginal Citations

- M1** [1957 c. 57.](#)

21 Temporary directions by Ministers.

- (1) Where—
- (a) the Minister serves any such notice as is provided for by subsection (3) of the last foregoing section, or
 - (b) the Minister, under subsection (3) of section nineteen of this Act, directs a committee of investigation to consider a report made by a consumers' committee or any complaint made to him as to the operation of any scheme.

the Minister, if he considers it necessary to take immediate action for the purpose of preventing injury to the public interest from any change made or intended to be made

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by the board in their course of action in any matter which is relevant to the subject of the notice or, as the case may be, of the report or complaint, may, at or after the time of the giving of the notice or direction, make a temporary order giving to the board such directions as to their course of action in that matter as he may think necessary for that purpose, and it shall be the duty of the board to comply with the order:

Provided that nothing in this subsection shall be construed as authorising or requiring the board to do anything which they have no power to do under the scheme.

- (2) A temporary order under this section made by the Minister in connection with the service of such a notice as is provided for by subsection (3) of the last foregoing section shall be limited so as to expire on such date as may be specified in the order, not being later than four months after the date of the making thereof:

Provided that if there is any such reference to a committee of investigation as is provided for by the last foregoing section and, at the date so specified in the order, not more than three months have elapsed since the publication by the Minister of the conclusions of the committee, then, subject to the following provisions of this section, the temporary order shall not expire until the expiration of the said period of three months.

- (3) A temporary order under this section made in connection with a direction given by the Minister to a committee of investigation under subsection (3) of section nineteen of this Act shall be limited so as to expire not later than twenty-eight days after the date on which the Minister gives to the board such a notice of the action which he intends to take as is provided for by subsection (6) of that section; and where a temporary order is made under this section in connection with such a direction as aforesaid to a committee of investigation, it shall be the duty of the Minister, not later than two months after publication by the Minister of the conclusions of the committee, either to give such a notice or to revoke the temporary order.
- (4) The Minister may by order revoke or vary a temporary order under this section but not so as to extend the operation thereof beyond the periods prescribed by subsections (2) and (3) of this section.
- (5) Any order under this section shall state the general nature of the reasons for the making thereof and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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