



Agricultural Marketing Act 1958

1958 CHAPTER 47 6 and 7 Eliz 2

PART IV

GENERAL AND SUPPLEMENTARY

47 Restrictions on disclosing certain information obtained under Act.

- (1) No information with respect to any particular undertaking (other than the undertaking of a board) shall, without the consent of the owner of that undertaking, be included in any report laid before Parliament in pursuance of this Act or in any recommendations of an Agricultural Marketing Reorganisation Commission published in pursuance of this Act.
- (2) No information obtained by any person in the exercise of any power conferred on him by or under the provisions of this Act relating to polls, or in the exercise of any power conferred by or under Part I of this Act^{F1}... on any board, consumers' committee, committee of investigation or Agricultural Marketing Reorganisation Commission, shall be disclosed by him:

Provided that nothing in this subsection shall restrict the disclosure of information—

- (a) made by a board in compliance with a requirement of the Minister of Agriculture, Fisheries and Food or the Secretary of State under section seventy-two of the ^{M1}Diseases of Animals Act, 1950;
- ^{F2}(aa) made to the [^{F3}Competition Commission], or to any member of that Commission or to any of the staff of that Commission, or to [^{F4} the Office of Fair Trading], if it is made for the purpose of enabling the Commission or [^{F5} the Office of Fair Trading to perform any functions of theirs or its] under the Fair Trading Act 1973 [^{F6}or the Competition Act 1980][^{F7} or the Enterprise Act 2002].]
- (b) made for the purposes of legal proceedings (including arbitrations) under this Act or any scheme, or for the purpose of any report of such proceedings;
- (c) if, and in so far as, the disclosure is required or authorised by this Act or any scheme.

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Marketing Act 1958, Part IV. (See end of Document for details)

- (3) Any person who discloses any information in contravention of the last foregoing subsection shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

Textual Amendments

- F1** Words in s. 47(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 2** Group 1
- F2** S. 47(2)(aa) inserted by Fair Trading Act 1973 (c. 41, SIF 124:1), s. 139, **Sch. 12**
- F3** Words in s. 47 substituted (1.4.1999) by S.I. 1999/506, **art. 10**
- F4** Words in s. 47(2) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 2(4)(a)**; S.I. 2003/766, **art. 2, Sch.** (with **art. 3**) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F5** Words in s. 47(2) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 2(4)(b)**; S.I. 2003/766, **art. 2, Sch.** (with **art. 3**) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F6** Added by Competition Act 1980 (c. 21, SIF 124:1), **s. 19(4)(a)**
- F7** Words in s. 47(2) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 2(4)(c)**; S.I. 2003/766, **art. 2, Sch.** (with **art. 3**) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

Modifications etc. (not altering text)

- C1** S. 47 excluded (E.W.S.) by Agriculture (Miscellaneous Provisions) Act 1972 (c.62, SIF 2:1), **s. 4(1)**
- C2** S. 47(2) excluded by Hops Marketing Act 1982 (c. 5, SIF 2:10), **s. 2(6)**
- C3** S. 47(2) excluded by S.I. 1984/1047, **reg. 14**
- C4** S. 47(2) excluded by S.I. 1989/380, **reg. 24**
- C5** S. 47(2) excluded (29.10.1991) by S.I. 1991/2232, **reg. 27**
S. 47(2) excluded (1.4.1993) by S.I. 1993/923, **regs. 1, 24**.
S. 47(2) excluded (E.W.S.) (27.7.1993) by 1993 c. 37, ss. 12, 36, Sch. 2 para. 33, **Sch. 4 para. 3**.
S. 47(2) excluded (1.4.1994) by S.I. 1994/672, **reg. 24**.
S. 47(2) disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(1), **Sch. 4 Pt. I para. 1**

Marginal Citations

- M1** 1950 c. 36.

48 Offences committed by bodies corporate.

Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

49 Power to make rules, etc., exercisable by statutory instrument.

Any power conferred on a Minister of the Crown by any provision of this Act to make rules, regulations or orders shall be exercisable by statutory instrument.

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Marketing Act 1958, Part IV. (See end of Document for details)

Textual Amendments

F8 S. 50 repealed by [Industrial Expansion Act 1968 \(c. 32\)](#), [Sch. 4](#)

51 Saving for Part I of the Agriculture Act, 1957.

The provisions of this Act shall be without prejudice to the powers and duties of the Ministers under Part I of the ^{M2}Agriculture Act, 1957.

Marginal Citations

M2 1957 c. 57.

52 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“agricultural product” includes—

- (a) any product of agriculture or horticulture;
- (b) any article of food or drink wholly or partly manufactured or derived from any such product; and
- (c) fleeces (including all kinds of wool, whether from a living animal or from a dead animal or from the skin of a dead animal) and the skins of animals;

“board” means a board administering a scheme and, in relation to any scheme, means the board administering that scheme;

“contravention” includes, in relation to a provision of this Act or of a scheme, a failure to comply with the provision and the expression “contravene” shall be construed accordingly;

“the Gazette” means—

- (a) in relation to a scheme applicable in both England and Wales, or in either England or Wales, the London Gazette, and includes, in relation to a scheme applicable as aforesaid which is also applicable in both Scotland and Northern Ireland or in either Scotland or Northern Ireland, the Edinburgh Gazette and the Belfast Gazette, the Edinburgh Gazette or the Belfast Gazette, as the case may be;
- (b) in relation to a scheme applicable in Scotland, the Edinburgh Gazette, and includes, in relation to a scheme applicable as aforesaid which is also applicable in Northern Ireland, the Belfast Gazette;

“initial poll”, in relation to a scheme, means the first poll of registered producers taken on the question whether the scheme shall remain in force;

“the Minister” means—

- (a) in relation to any of the matters specified in Part I of the Third Schedule to this Act, the Ministers;
- (b) in relation to any of the matters specified in Part II of that Schedule, the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland, acting jointly;

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- (c) in relation to any of the matters specified in Part III of that Schedule, the said Minister and the Secretary of State concerned with agriculture in Northern Ireland, acting jointly;
- (d) in relation to any of the matters specified in Part IV of that Schedule, the said Secretaries of State, acting jointly;
- (e) in relation to any of the matters specified in Part V of that Schedule, the said Minister;
- (f) in relation to any of the matters specified in Part VI of that Schedule, the Secretary of State concerned with agriculture in Scotland;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively, acting jointly;

“producer” means, in relation to any scheme, any person who produces the regulated product;

“registered producer” means, in relation to any scheme a producer registered under the scheme;

“regulated product” means, in relation to any scheme, any product the marketing of which is regulated by the scheme, but does not (except in the expression “consumers of the regulated product”) include any product in so far as it is produced outside the area to which the scheme is applicable;

“requisite majority”, in relation to a poll of registered producers, means a majority comprising—

- (a) not less than two-thirds of the total number of registered producers voting on the poll, and
- (b) such number of registered producers as are together capable of producing not less than two-thirds of the quantity of the regulated product which all the registered producers voting on the poll are together capable of producing;

“scheme” means a scheme under this Act;

“substitutional scheme” means a scheme which revokes one or more existing schemes, and is such that at the time when it comes into force—

- (a) every person is entitled to be registered as a producer thereunder who was entitled to be registered as a producer under the existing scheme or one or more of the existing schemes; and
- (b) no person is entitled to be registered as a producer thereunder who was not entitled to be registered as a producer under the existing scheme or any of the existing schemes;

“suspensory period”, in relation to a scheme, means a period beginning on the date when the scheme is approved and ending at the expiration of such period (not being less than one month or more than two months) beginning on the date of the declaration of the result of the initial poll, as may be provided by the scheme.

- (2) A declaration by the Minister, contained in an order approving a scheme, that the scheme is a substitutional scheme shall be conclusive evidence of that fact.
- (3) For the purposes of a scheme regulating the marketing of livestock of any kind, every person whose business it is to keep livestock of that kind for the purpose of breeding from it or selling it in an improved condition shall, except in so far as the scheme otherwise provides, be deemed to produce it.

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^{F9}(4)

- (5) Any reference in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment.

Textual Amendments

F9 S. 52(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

53 Provisions as to Northern Ireland.

- (1) This Act, except in so far as it is otherwise expressly provided therein, and subject to the provisions of this section, shall extend to Northern Ireland.

(2) ^{F10}

(3) ^{F11}

- (4) Before . . . ^{F12} revoking a certificate under this section, the Secretary of State concerned with agriculture in Northern Ireland shall consult the Board of Trade, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland.

- (5) The consumers' committees [^{F13}and], committees of investigation [^{F14}and Agricultural Marketing Facilities Committees for Great Britain, for England and Wales and for Scotland] shall operate, and the Agricultural Marketing Fund and the Agricultural Marketing (Scotland) Fund shall be applicable, in relation to schemes applicable to Northern Ireland or any part thereof, in like manner as they operate and are applicable respectively in relation to schemes not applicable to Northern Ireland or any part thereof, but when any such committee is considering any scheme applicable to Northern Ireland or any part thereof there shall be added thereto as additional members thereof such persons as the Minister may appoint for the purpose.

In this subsection the reference to the Minister includes a reference to the Secretary of State concerned with agriculture in Northern Ireland.

^{F15}(6)

- (7) Subsection (7) of section six of this Act shall have effect in Northern Ireland as if the words "not being a magistrates' court" were omitted.

^{F16}(8)

- (9) Subsection (5) of section eighteen of this Act shall have effect in Northern Ireland as if—

- (a) for the reference therein to section one hundred and eleven of the ^{M3}County Courts Act, 1934, there were substituted a reference to [^{F17}sections thirty-five and thirty-seven of the County Officers and Courts (Ireland) Act, 1877][^{F17}section 31 of the Judicature (Northern Ireland) Act 1978];
- (b) for the words "within the district of which" there were substituted the words "having jurisdiction in the area in which";
- (c) references therein to the High Court were references to the High Court of Justice in Northern Ireland.

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(10) For the purpose of negotiations between a board administering a scheme which is not applicable to Northern Ireland or any part thereof and the board administering a scheme made under legislation enacted by the Parliament of Northern Ireland for regulating the marketing of an agricultural product, the provisions of section thirty-one of this Act relating to the power of a board to negotiate with other persons shall have effect as if the reference therein to the Minister were a reference to the Minister and the Secretary of State concerned with agriculture in Northern Ireland.

(11) F18

(12) F19

Textual Amendments

- F10** S. 53(2) repealed (without prejudice to the power of the Secretary of State to revoke a certificate) by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), s. 41(1), **Sch. 6 Pt. I**
- F11** S. 53(3) repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), s. 41(1), **Sch. 6 Pt. I**
- F12** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), s. 41(1), **Sch. 6 Pt. I**
- F13** Word inserted (E.W.S.) by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62, SIF 2:1\)](#), s. **12(3)(b)**
- F14** Words repealed (E.W.S.) by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c.62, SIF 2:1\)](#), **ss. 12(3)(c), 26(3)(4)**, Sch. 6
- F15** S. 53(6) repealed (15.6.2004) by [The Agricultural Statistics \(Northern Ireland\) Order 2004 \(S.I. 2004/1109\)](#), art. 1(2), **Sch.**
- F16** S. 53(8) repealed (31.1.1997) by [1996 c. 23](#), s. 107(2), **Sch. 4** (with s. 81(2)); S.I. 1996/3146, **art. 3**
- F17** Words “section 31 of the Judicature (Northern Ireland) Act 1978” substituted (N.I.) for words from “sections 35 and 37 of County Courts Act” onwards by S.I. 1982/1080 (N.I. 12), art. 46(1), **Sch. 8**
- F18** S. 53(11) repealed by [Northern Ireland Act 1962 \(c. 30\)](#), **Sch. 4**, Pt. IV
- F19** S. 53(12) repealed by [Northern Ireland Constitution Act 1973 \(c.36, SIF 29:3\)](#), s. 41(1), **Sch. 6 Pt. I**

Marginal Citations

M3 [1934 c. 53](#).

54 Repeals and savings.

(1) F20

(2) In so far as any scheme, rule, regulation or order made, certificate or direction given or other thing done under an enactment repealed by this Act could have been made, given or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if made, given or done under that corresponding provision:

Provided that this subsection shall not apply to payments made under subsection (2) of section eleven of the ^{M4}Agricultural Marketing Act, 1931.

^{F21}(3)

(4) Nothing in this Act shall invalidate any provision of any scheme approved before the thirty-first day of May, nineteen hundred and forty-nine, being a provision which was included in that scheme in pursuance of an enactment or part of an enactment repealed by subsection (2) of section twenty of the ^{M5}Agricultural Marketing Act, 1949.

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^{F22}(5)

(6) Any enactment or document referring to an Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding provision of this Act.

(7) The mention of particular matters in this section shall not affect the general application to this Act of section thirty-eight of the ^{M6}Interpretation Act, 1889 (which relates to the effect of repeals).

Textual Amendments

F20 S. 54(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, **Sch. Pt. XI**

F21 S. 54(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

F22 S. 54(5) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

Marginal Citations

M4 1931 c. 42.

M5 1949 c. 38.

M6 1889 c. 63.

55 Short title and commencement.

(1) This Act may be cited as the Agricultural Marketing Act, 1958.

^{F23}(2)

Textual Amendments

F23 S. 55(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

Status:

Point in time view as at 22/07/2004.

Changes to legislation:

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