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FIRST SCHEDULE **U.K.**

Section 2.

AMENDMENT AND REVOCATION OF SCHEMES

- 1
- (1) Subject to the provisions of this paragraph, an amendment of a scheme may be submitted to the Minister for his approval by the board.
 - (2) Before an enactment of a scheme is submitted to the Minister under this paragraph the amendment shall be published in the prescribed manner to all registered producers and if, within the prescribed period after it has been so published, a poll on the question whether it shall be submitted to the Minister is demanded by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, the amendment shall not be submitted to the Minister unless a poll on that question has been taken and the result thereof shows that the requisite majority of registered producers has voted in favour of its submission.

In this sub-paragraph “prescribed” means prescribed by the scheme.

- (3) No scheme shall be amended so as to be applicable to any area to which it would not have been applicable without amendment.
- (4) Where an amendment of a scheme is duly submitted to the Minister in accordance with the foregoing provisions of this paragraph, the following provisions of section two of this Act, that is to say, subsections (1), (2), (3), (4), (6), (7), (11), (13) and (14), shall apply in relation to the amendment as if it were a scheme, but subject to the following modifications, that is to say:—
 - (a) the reference in the said subsection (4) to the following provisions of the said section two shall be construed as including a reference to the provisions of sub-paragraph (3) of this paragraph;
 - (b) for the said subsection (6) there shall be substituted the following subsection:
—

“(6) Before making any modifications, the Minister shall give notice of the proposed modifications to the board and unless, within four weeks after notice has been so given or within such longer time as the Minister may allow, the board notify the Minister that they assent to the modifications, the Minister shall take no further action in the matter”
 - (c) in the said subsection (7) for the words “the more efficient production and marketing of the regulated product” there shall be substituted the words “the more efficient operation of the scheme” and the words “subject to subsection (9) of this section” shall be omitted; and
 - (d) except in a case where the Minister is required by the said subsection (3) as applied by this sub-paragraph to direct a public inquiry to be held, the provisions of the said subsection (7) requiring a draft to be laid before Parliament and approval of the draft by Parliament before the Minister approves a scheme, and the provisions of the said subsection (11) requiring that the date specified in the order shall be after the latest date on which either House of Parliament resolves that the scheme shall be approved, shall not apply.

- 2
- If a demand for a poll on the question whether a scheme shall be revoked is made to the board in the prescribed manner and by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, the board shall forthwith

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cause a poll of the registered producers to be taken on that question, and if the result of the poll shows that there have voted in favour of the revocation of the scheme—

- (a) more than half the total number of registered producers voting on the poll, and
- (b) such number of registered producers as are together capable of producing more than half the quantity of the regulated product which all the registered producers voting on the poll are together capable of producing,

the board shall, as soon as practicable after the declaration of the result of the poll, communicate the result thereof to the Minister, and the Minister shall thereupon by order revoke the scheme:

Provided that, without the consent of the board, no poll shall be taken under this paragraph—

- (i) in the case of a scheme other than a substitutional scheme, within two years after the date of the declaration of the result of the initial poll; or
- (ii) in the case of any scheme, within the prescribed period after the date of the declaration of the result of any previous poll taken under this paragraph.

In this paragraph “prescribed” means prescribed by the scheme.

- 3 A scheme may be revoked by a subsequent scheme, and where a scheme is so revoked the subsequent scheme may provide for the transfer to the new board of the whole or any part of the property, rights and liabilities of the existing board and for the continuation by or against the new board of any legal proceedings pending by or against the existing board.

In this paragraph “new board” means the board administering the subsequent scheme, and “existing board” means the board administering the scheme revoked.

- 4 The Minister shall by order revoke a scheme if an order is made for the winding up of the board.

- 5 Without prejudice to any other powers conferred on him by this Act, the Minister, if he is of opinion that any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of the regulated product, or is contrary to the interests of a substantial number of persons affected by the scheme and is not in the public interest, may lay before Parliament a draft of an order revoking the scheme, and if each House of Parliament resolves that the order shall be approved, the Minister shall make the order to take effect on such date as may be specified in the order, being a date after the latest date on which either House of Parliament resolves that the order shall be approved.

In considering for the purposes of this paragraph 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 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}5A (1) Where the Minister considers it appropriate to do so he may—

- (a) prepare a consolidation of any scheme as it has effect with amendments (“the amended scheme”); and
- (b) by order revoke the amended scheme and approve the consolidated scheme.

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- (2) An order made by virtue of this paragraph—
- (a) shall state that it is made only for the purposes of consolidation; and
 - (b) may contain such transitional and consequential provision as the Minister considers necessary or expedient.]

Textual Amendments

F1 Sch. 1 para. 5A inserted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 11

- 6 Where a scheme is revoked, or is so amended as to revoke any provision thereof, subsection (2) of section thirty-eight of the^{M1} Interpretation Act, 1889 (which relates to the effect of repeals) shall apply as if the revocation of the scheme or of that provision, as the case may be, were a repeal of an enactment by another Act.

Modifications etc. (not altering text)

C1 Sch. 1 para. 6 extended by Hops Marketing Act 1982 (c. 5, SIF 2:10), s. 1(3)

Marginal Citations

M1 1889 c. 63.

SECOND SCHEDULE U.K.

Section 3.

PROVISIONS AS TO THE INCORPORATION, COMPOSITION AND WINDING UP OF BOARDS AND AS TO THE COMPOSITION OF EXECUTIVE COMMITTEES

- 1 A board shall be constituted by the scheme as a body corporate with a common seal^{F2}

Textual Amendments

F2 Words repealed (E.W.) (S.) by Charities Act 1960 (c. 58), Sch. 7 Pt. II and (N.I.) by Mortmain (Repeals) Act (Northern Ireland) 1960 (c. 20), s. 1(2)

- 2 (1) The composition of a board shall be such as may be prescribed by the scheme, but the scheme shall be so framed as to secure that—
- (a) the total number of members shall not be less than eight nor, unless for special reasons the Minister thinks fit to allow a greater number, more than twenty-four;
 - (b) of the members, not less than two and (provided that there are at least two) not more than one-fifth of the total number of members shall be persons appointed by the Minister as being persons who in his opinion are qualified for appointment as having had experience and shown capacity in commerce, finance, administration, public affairs or the organisation of workers, or as being specially conversant with the interests of consumers of the regulated product;
 - (c) subject to the provisions of the scheme as to the filling of casual vacancies in the board, the remaining members shall,—

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- (i) during such period, not being longer than twelve months from the day on which the scheme comes into force, as may be specified in the scheme, be persons named in the scheme;
 - (ii) after the expiration of the said period, be persons elected in accordance with the scheme, either by registered producers or by a body or bodies elected by such producers in accordance with the scheme;
 - (d) the executive committee of the board referred to in section three of this Act shall consist of not more than seven members of the board and shall include at least one of the members of the board who are appointed by the Minister.
- (2) Notwithstanding anything in this paragraph, provision may be made by a scheme for the board acting notwithstanding any vacancy in the membership thereof.
- (3) In this paragraph “consumers of the regulated product” means persons who purchased the product, or commodities produced wholly or partly therefrom, for their own consumption or use and not persons who purchase the product, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.
- 3 A scheme shall provide for notification to the Minister of the address of the office of the board at which communications and notices will at all times be received, and of any change in that address, and the Minister shall cause a register to be kept showing the address of every board, and the register shall be open for inspection by the public at such times and at such place as he may direct.
- [^{F3}4 (1) A scheme shall provide for the winding up of the board, and for that purpose may apply Part V of the Insolvency Act 1986 (winding up of unregistered companies), subject to the following modifications.
- (2) For the purposes of sections 221, 222 and 224 of the Act of 1986, the principal place of business of the board is deemed to be the office of the board the address of which is registered by the Minister under paragraph 3 above.
 - (3) Section 223 does not apply.
 - (4) Section 224 applies as if the words “or any member of it as such” were omitted.
 - (5) A petition for winding up the board may be presented by the Minister as well as by any person authorised under Part IV of the Insolvency Act 1986 to present a petition for winding up a company]

Textual Amendments

F3 Sch. 2 para. 4 substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), [Sch. 14](#)

- 5 In the event of the winding up of a board, every person who, at any time during the relevant period, was a registered producer shall be liable to contribute to the payment of the debts and liabilities of the board and to the payment of the costs and expenses of the winding up an amount assessed in such manner and subject to such limitations as may be provided by the scheme, but save as aforesaid no person shall be liable to contribute to the assets of the board in the winding up by reason only of his being or having been a registered producer or a member of the board.

In this paragraph “the relevant period” means—

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- (a) in a case where, before the commencement of the winding up, the scheme has been revoked, the year immediately before the revocation of the scheme;
 - (b) in any other case, the year immediately before the commencement of the winding up.
- 6 (1) Where a scheme is revoked by a subsequent scheme, the subsequent scheme may provide for the dissolution, without winding up, of the board administering the scheme revoked.
- (2) The board administering a scheme shall not be deemed to be dissolved by reason only that the scheme has been revoked, and, except in a case where the board are dissolved under the foregoing sub-paragraph without winding up, so much of the scheme as relates to the winding up of the board shall continue in force notwithstanding the revocation.

Modifications etc. (not altering text)

C2 Sch. 2 para. 6(2) extended by [Hops Marketing Act 1982 \(c. 5, SIF 2:10\)](#), s. 1(3)

THIRD SCHEDULE **U.K.**

Section 52.

MATTERS REFERRED TO IN THE DEFINITION OF “THE MINISTER”

PART I U.K.

Matters in relation to which the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively are denoted by the expression “the Minister”.

- 1 Any scheme applicable in either England or Wales, or both in England and Wales, which is also applicable in Scotland and in Northern Ireland.
- 2 An Agricultural Marketing Reorganisation Commission for Great Britain and Northern Ireland.

PART II U.K.

Matters in relation to which the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland are denoted by the expression “the Minister”.

- 1 Any scheme applicable in either England or Wales, or in both England and Wales, which is also applicable in Scotland but is not applicable in Northern Ireland.

F42

Textual Amendments

F4 Sch. 3 Pt. II para. 2 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) Sch. 11 Pt I, para. 33; S.I. 2006/2541, art. 2, Sch.

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F⁵³

Textual Amendments

F5 Sch. 3 Pt. II para. 3 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16) Sch. 11 Pt I, para. 33; S.I. 2006/2541, art. 2, [Sch.](#)

[F⁶⁴ The Agricultural Marketing Facilities Committee for Great Britain.]

Textual Amendments

F6 Sch. 3 Pt. II para. 4, Pt. V para. 5, Pt. VI para. 5 repealed (E.W.S.) by [Agriculture \(Miscellaneous Provisions\) Act 1972](#) (c. 62, SIF 2:1), [ss. 12\(3\)\(c\), 26\(3\)\(4\)](#), Sch. 6

5 An Agricultural Marketing Reorganisation Commission for Great Britain.

PART III U.K.

Matters in relation to which the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Northern Ireland are denoted by the expression “the Minister”.

- 1 Any scheme applicable in either England or Wales, or in both England and Wales, which is also applicable in Northern Ireland but is not applicable in Scotland.
- 2 An Agricultural Marketing Reorganisation Commission for England, Wales and Northern Ireland.

PART IV U.K.

Matters in relation to which the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively are denoted by the expression “the Minister”.

- 1 Any scheme applicable in both Scotland and Northern Ireland, but not in either England or Wales.
- 2 An Agricultural Marketing Reorganisation Commission for Scotland and Northern Ireland.

PART V U.K.

Matters in relation to which the Minister of Agriculture, Fisheries and Food is denoted by the expression “the Minister”.

- 1 Any scheme applicable only in England and Wales, only in England or only in Wales.

F⁷²

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Textual Amendments

F7 Sch. 3 Pt. V para. 2 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) Sch. 11 Pt I, para. 33; S.I. 2006/2541, art. 2, Sch.

F8₃

Textual Amendments

F8 Sch. 3 Pt. V para. 3 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) Sch. 11 Pt I, para. 33; S.I. 2006/2541, art. 2, Sch.

4 The Agricultural Marketing Fund.

[**F9**₅ The Agricultural Marketing Facilities Committee for England and Wales] . . . **F9**

Textual Amendments

F9 Sch. 3 Pt. II para. 4, Pt. V para. 5, Pt. VI para. 5 repealed (E.W.S.) by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62, SIF 2:1\)](#), **ss. 12(3)(c)**, 26(3)(4), Sch. 6

6 An Agricultural Marketing Reorganisation Commission for England and Wales.

PART VI U.K.

Matters in relation to which the Secretary of State concerned with agriculture in Scotland is denoted by the expression “the Minister”.

1 Any scheme applicable only in Scotland.

F10₂

Textual Amendments

F10 Sch. 3 Pt. VI para. 2 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) Sch. 11 Pt I, para. 33; S.I. 2006/2541, art. 2, Sch.

F11₃

Textual Amendments

F11 Sch. 3 Pt. VI para. 3 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) Sch. 11 Pt I, para. 33; S.I. 2006/2541, art. 2, Sch.

4 The Agricultural Marketing (Scotland) Fund.

[**F12**₅ The Agricultural Marketing Facilities Committee for Scotland.]

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Textual Amendments

F12 Sch. 3 Pt. II para. 4, Pt. V para. 5, Pt. VI para. 5 repealed (E.W.S.) by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62, SIF 2:1\)](#), **ss. 12(3)(c)**, 26(3)(4), Sch. 6

6 An Agricultural Marketing Reorganisation Commission for Scotland.

F13 FOURTH
SCHEDULE **U.K.**

Textual Amendments

F13 Sch. 4 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, **Sch. Pt. XI**

F13

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Changes and effects yet to be applied to :

- s. 45(6) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)