



Agricultural Marketing Act 1958

1958 CHAPTER 47 6 and 7 Eliz 2

PART I

AGRICULTURAL MARKETING SCHEMES

Imposition of penalties, etc.

9 Disciplinary provisions of schemes.

- (1) Every scheme shall be so framed as to secure that there is a committee of the board, to be known as the disciplinary committee, constituted, at each sitting thereof, of not less than four nor more than six members of the board and a chairman who is not a member of the board but is an independent person [^{F1}who—
- (a) has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) is an advocate or solicitor in Scotland of at least 7 years' standing; or
 - (c) is a member of the Bar of Northern Ireland or [^{F2}solicitor of the Court of Judicature of Northern Ireland] of at least 7 years' standing,
- and is approved by the Minister.]
- (2) Subject to the provisions of this section, every scheme shall require the disciplinary committee to impose on, and the board to recover from, any registered producer who contravenes any provision of the scheme made in pursuance of any of the provisions of this Act which are specified in the next following subsection such monetary penalties as may be specified by the scheme, so however that no such penalty shall be imposed in respect of a contravention of the scheme which constitutes an offence under this or any other Act.

Except in the case of a substitutional scheme, the operation of any provision of a scheme made in pursuance of this subsection shall be suspended until the expiration of the suspensory period.

*Changes to legislation: There are currently no known outstanding effects for the
Agricultural Marketing Act 1958, Section 9. (See end of Document for details)*

- (3) The provisions of this Act referred to in the last foregoing subsection are subsection (2) of section six, paragraphs (a), (b), (c), (h) and (i) of subsection (1) of section seven and subsection (2) of section eight.
- (4) Every scheme shall be so framed as to secure—
- (a) that no penalty is imposed on a registered producer for a contravention of any provision of the scheme made in pursuance of any of the provisions of this Act which are specified in the last foregoing subsection except after a hearing by the disciplinary committee and by the decision thereof, taken in accordance with the opinion of all or the majority of the members thereof;
 - (b) that notice of the time and place of every such hearing and a written statement of the charge against the producer in question is served personally or by registered post on that producer at least fourteen days before the hearing;
 - (c) that no penalty is imposed for any such contravention which occurred more than six years, or such less time as is specified in the scheme, before the service of the said written statement of the charge;
 - (d) that, where such a written statement of a charge against a producer has been sent to or served on him as aforesaid and the charge is withdrawn or is not substantiated before the said committee, the board have the power, and, to such extent as the said committee may decide, the duty, to make payments to the producer in respect of his costs in connection with the charge; and
 - (e) that, in such circumstances and subject to such conditions as may be specified in the scheme, the said committee have the power and the duty to reconsider and, if need be, vary their decisions and that effect is given to any such variation.
- (5) For the purposes of paragraph (b) of subsection (1) of section eight of this Act and of any provision of a scheme made in pursuance of that paragraph, acts or omissions of the disciplinary committee shall be deemed to be acts or omissions of the board.
- (6) Every hearing by the disciplinary committee of a board shall be held in public unless the committee for special reasons direct that the whole or part thereof shall not be so held.
- (7) The chairman of the disciplinary committee of a board may direct that any evidence given at a hearing by the committee shall be given on oath and may for that purpose administer oaths.
- (8) If, at any sitting of the disciplinary committee of a board, there is an equal division of opinion on any question, the opinion of the chairman shall prevail, and the reference in paragraph (a) of subsection (4) of this section to the opinion of the majority of the members of such committee shall be construed accordingly.

Textual Amendments

- F1** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 12**
- F2** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 5**; [S.I. 2009/1604](#), art. 2(d)
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Modifications etc. (not altering text)

- C1** S. 9(4)(b) amended by [Recorded Delivery Service Act 1962 \(c. 27\)](#), **Sch. para. 5**

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Marketing Act 1958, Section 9.