
 S T A T U T O R Y I N S T R U M E N T S

1976 No. 133

AGRICULTURE

The Potato Marketing Scheme (Amendment) Order 1976

Made - - - - - *28th January 1976*

Whereas the Potato Marketing Board duly submitted to the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with agriculture in Scotland and the Secretary of State for Wales (hereinafter called "the Ministers") certain amendments of the Potato Marketing Scheme 1955(a), as amended(b), and the Ministers, as required by section 2 of, and Schedule 1 to, the Agricultural Marketing Act 1958(c) duly published notice of the submission of the said amendments and of the time within which objections and representations with respect thereto might be made;

And whereas no such objections were made and the Ministers made certain modifications, to which the said Board assented, in the said amendments which, as so modified, are set forth in the Schedule hereto;

Now, therefore, the Ministers in pursuance of section 2 of the Agricultural Marketing Act 1958 and Schedule 1 to that Act, as read with the Transfer of Functions (Wales) Order 1969(d), acting jointly, hereby make the following order:—

1. This order may be cited as the Potato Marketing Scheme (Amendment) Order 1976.
2. The amendments of the Potato Marketing Scheme 1955, as amended, which are set forth in the Schedule hereto, are hereby approved and shall come into operation on 1st March 1976.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd January 1976.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

28th January 1976.

William Ross,
Secretary of State for Scotland.

27th January 1976.

John Morris,
Secretary of State for Wales.

(a) S.I. 1955/690 (1955 I, p. 148).

(b) S.I. 1962/883, 1971/711 (1962 I, p. 1009; 1971 I, p. 1926).

(c) 1958 c. 47.

(d) S.I. 1969/388 (1969 I, p. 1070).

SCHEDULE

The Potato Marketing Scheme 1955, as amended, shall be further amended as follows:—

1. By substituting in paragraph 3 thereof for the word “acreage” the word “area” and for the word “acres” wherever it occurs the word “hectares”.

2. By substituting in paragraph 5(1) thereof for the word “acres” wherever it occurs the word “hectares” and for the words “an acre” wherever they occur the words “a hectare”.

3. By substituting in paragraph 5(1) thereof for the words “quarters of an acre, as the case may require, any fraction of a quarter of an acre being reckoned as a quarter of an acre” the words “tenths of a hectare, as the case may require, any fraction of a tenth of a hectare being reckoned as a tenth of a hectare”.

4. By substituting in the proviso to paragraph 10 thereof for the word “acreage” the word “area”.

5. By deleting from paragraph 14(1) thereof the words “designed so as to be capable of being returned through the post without a covering envelope and so that the voter may seal it if he wishes”.

6. By inserting at the end of paragraph 14(1) thereof the following:—

“At the option of the Board, the voting paper shall either—

- (a) be designed so as to be capable of being returned through the post without a covering envelope and so that the voter may seal it if he wishes, or
- (b) be accompanied by an envelope addressed for return of the voting paper to the Board.”

7. By deleting from paragraph 14(2) thereof the words “by means of adhesive stamps of the proper value affixed to the voting paper itself”.

8. By substituting in paragraph 14(4) for the word “acreage” wherever it occurs the word “area”.

9. By substituting for paragraph 14(5) thereof the following paragraph:—

“(5) The standard number of votes of a registered producer shall be calculated in relation to the appropriate area as follows and the expression “standard number of votes” shall be construed accordingly:—

- (a) where the area does not exceed four hectares—one vote;
- (b) where the area exceeds four hectares and does not exceed eight hectares—two votes;
- (c) where the area exceeds eight hectares—two votes plus one additional vote for every twenty hectares of such excess: provided that if such excess does not amount to an even twenty hectares or a multiple of twenty hectares the odd fraction of such excess shall be taken to be an additional twenty hectares.”

10. By substituting for paragraph 16 thereof the following paragraph:—

“16.—(1) If a district or special member of the Board dies, or pursuant to paragraph 17 of this Scheme ceases to hold office, then the Board may co-opt in his place any person who, in their opinion, is qualified to represent the registered producers producing potatoes in the district or territory for which the member was elected or co-opted:

Provided that this paragraph shall not apply if the vacancy occurs less than six months before the beginning of September in the year in which the next election for that district or territory would be held under the foregoing provisions of this Part of this Scheme.

(2) The term of office of any person co-opted to the Board under this paragraph shall cease not later than the date on which the term of office of his immediate predecessor would have ceased if such predecessor had not died or, pursuant to paragraph 17 of this Scheme, ceased to hold office.”

11. By substituting for the stop at the end of paragraph 20 thereof a colon and adding thereafter the following proviso:—

“Provided that, where it is for the Board, or where the Board decide under paragraph 16 of this Scheme, to take action in relation to the filling of any vacancy, the Board shall do so as soon as they consider this reasonably practicable.”

12. By substituting in paragraph 23 thereof for the word “and” a comma.

13. By deleting the stop at the end of paragraph 23 thereof and inserting the following:—

“and (subject to any directions from the Board) the provisions of paragraph 20 of this Scheme relating to the Board’s power to act shall apply mutatis mutandis to the Executive Committee:

Provided that, where it is for the Board, or where the Board decide under paragraph 16 of this Scheme, to take action in relation to the filling of any vacancy, the Board shall do so as soon as they consider this reasonably practicable.”

14. By inserting after sub-paragraph (c) of paragraph 28 thereof the following sub-paragraph:—

“(d) subject to any directions from the Board, the provisions of paragraph 20 of this Scheme relating to the Board’s power to act shall apply mutatis mutandis to the Committee:

Provided that, where it is for the Board, or where the Board decide under paragraph 16 of this Scheme, to take action in relation to the filling of any vacancy, the Board shall do so as soon as they consider this reasonably practicable.”

15. By substituting for paragraph 39 thereof the following paragraph:—

“39. A producer whose potato area is less than four tenths of a hectare shall be exempt from registration.”

16. By substituting in paragraph 40(1) thereof for the words “the office of the Board in England” the words “such office of the Board in England as the Board may from time to time decide”.

17. By deleting from paragraph 47(1) thereof the words “and designed so as to be capable of being returned through the post without a covering envelope and so that the voter may seal it if he wishes”.

18. By inserting at the end of paragraph 47(1) thereof the following:—

“At the option of the Board, the voting paper shall either—

(a) be designed so as to be capable of being returned through the post without a covering envelope and so that the voter may seal it if he wishes, or

(b) be accompanied by an envelope addressed for return of the voting paper to the returning officer.”

19. By deleting from paragraph 48 thereof the words “by means of adhesive stamps of the proper value affixed to the voting paper itself”.

20. By substituting in paragraphs 50, 62 and 63(2) thereof for the word “acreage” wherever it occurs the word “area”.

21. By substituting in sub-paragraph (c) of paragraph 75(4) thereof for the words “112 lbs.” wherever they occur the words “50 kilograms” and for the words “19 cwt.” the words “950 kilograms”.

22. By substituting in sub-paragraph (b) of paragraph 83(1) thereof for the words “£5 per acre of his potato acreage” the words “£12 per hectare of his potato area”.

23. By substituting for sub-paragraph (b) of paragraph 84(2) thereof the following sub-paragraph:—

“(b) an excess area contribution at a rate per hectare not exceeding five times the formula rate as defined in paragraph 84(3)(a), and proportionately for each tenth

of a hectare, of the excess area in the case of a producer who, if that year is a quota year, has exceeded his quota area in that year."

24. By substituting in sub-paragraph (a) of paragraph 84(3) thereof for the words "sub-paragraph (3)" the word "paragraph".

25. By substituting in sub-paragraph (a) of paragraph 84(3) thereof for the words "tons per acre" the words "tonnes per hectare" and for the words "0·1 of a ton" the words "one tenth of a tonne".

26. By substituting for sub-paragraph (ii) of the proviso to sub-paragraph (a) of paragraph 84(3) thereof the following sub-paragraph:—

"(ii) for the purpose of calculating the formula rate for the calendar year 1976 the formula rate for the calendar year 1975 shall be deemed to have been £15·94 per hectare;"

27. By substituting in sub-paragraph (a) of paragraph 84(3) thereof for the words "Agriculture Act 1957(b)" the words "Agriculture Act 1957(a)".

28. By substituting in sub-paragraph (b) of paragraph 84(3) thereof for the word "acre" the word "hectare", for the words "quarter of an acre" the words "tenth of a hectare" and for the word "acreage" the word "area".

29. By substituting in sub-paragraph (c) of paragraph 84(3) thereof for the date "1971" the date "1975".

30. By deleting sub-paragraphs (d) and (e) of paragraph 84(3) thereof and re-lettering sub-paragraph (f) as sub-paragraph (d).

31. By substituting in paragraph 84(4) thereof for the word "acreage" wherever it occurs the word "area" and for the word "acre" the word "hectare".

32. By substituting in sub-paragraph (b) of paragraph 84(5) thereof, in sub-paragraphs (a) and (b) of paragraph 84(6) thereof and in paragraph 84(7) thereof, for the word "acreage" wherever it occurs the word "area".

33. By inserting after paragraph 84(9) thereof the following paragraph:—

"(10) A certificate purporting to be signed by the Secretary, Registration Officer or Assistant Registration Officer for the time being of the Board specifying the basic area of any registered producer as determined under the provisions of Schedule D of this Scheme for a stated date shall be evidence of the facts stated therein."

34. By substituting in paragraphs 88(2) and 88(3) thereof for the words "acreage of at least 20,000 acres" the words "area of at least 8,000 hectares".

35. By substituting in paragraph 89(2) thereof for the word "acres" the word "hectares" and for the words "1s. per acre" the words "12½p per hectare".

36. By substituting in Schedule B thereof for the words "highest acreage" wherever they occur the words "largest area", for the word "Acres" wherever it occurs the word "Hectares", for the word "acreage" wherever it occurs the word "area" and for the word "acreages" the word "areas".

37. By deleting from Schedule B thereof the words "by means of adhesive stamps of the proper value affixed to the voting paper itself".

38. By deleting from Note (a) at the foot of Schedule B thereof the letter "(a)" and the whole of Note (b).

39. By substituting in Schedule D thereof for the words "ACREAGES", "acreage", "an acre", "acres", "quarters", "a quarter" and "acreages" wherever they occur the words "AREAS", "area", "a hectare", "hectares", "tenths", "one tenth" and "areas" respectively.

EXPLANATORY NOTE

(This Note is not part of the order.)

This order approves further amendments to the Potato Marketing Scheme 1955, as amended, which are set out in the Schedule. The amendments provide for—

- (1) the removal of the requirement for the consent of producers to any increase exceeding 6 per cent. from one year to the next in the rate of the ordinary annual contribution which registered producers are required to pay to the Board;
- (2) the maximum rate of excess acreage contribution for any year to be five times the maximum rate of the ordinary contribution for the same year instead of £25 per acre as at present;
- (3) the substitution of metric units for imperial units;
- (4) certain changes in the Board's administrative arrangements, such as the filling of vacancies on the Board and its Committees pending the election or appointment of new members and the return of voting papers.

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