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

1981 No. 1767 (S. 183)

INDUSTRIAL ORGANISATION AND DEVELOPMENT
The Scottish Seed Potato Development Council Order 1981

Laid before Parliament in draft

Made - - - - 3rd December 1981

Coming into Operation 4th December 1981

In exercise of the powers conferred by sections 1, 2, 4 and 14 of the Industrial Organisation and Development Act 1947(a) and now vested in me (b) and of all other powers enabling me in that behalf, after consultation with the organisations appearing to me to be representative of substantial numbers of persons carrying on business in the industry defined for the purposes of the following order and with the organisations representative of persons employed in the industry appearing to me to be appropriate, being satisfied that the establishment of a development council for the industry is desired by a substantial number of persons engaged in the industry, and having satisfied myself that the incidence of charges imposed as between different classes of undertakings in the industry will be in accordance with a fair principle, I hereby make the following Order a draft whereof has been laid before Parliament and approved by a resolution of each House of Parliament:—

Citation and commencement

1. This Order may be cited as the Scottish Seed Potato Development Council Order 1981 and shall come into operation on the day immediately following the day on which it is made.

Interpretation

2. In this Order, unless the context otherwise requires—

“the Council” means the Scottish Seed Potato Development Council established under the provisions of this order;

“the industry” means the production of seed potatoes in Scotland for sale by way of trade or business;

“marketing” includes the offer for sale, exposure for sale, sale and possession with a view to sale of seed potatoes and any transaction in the course of business—

(a) under which the property in seed potatoes is transferred from one person to another; or

(a) 1947 c. 40.

(b) S.I. 1971/719.

(b) under which the seed potatoes are made over by one person to another in pursuance of a contract under which the seed potatoes will be used for producing further potatoes;

“potato” means any tuber or part thereof or any plant or part thereof of *Solanum tuberosum* L. or other tuber forming species or hybrids of *Solanum*;

“producer” means any person who in any year in Scotland presents one or more crops of seed potatoes for certification in accordance with the provisions of Schedule 1 to the Seed Potatoes Regulations 1978(a).

Establishment of Development Council

3.—(1) There shall be established a development council for the industry to be known as the Scottish Seed Potato Development Council, and there shall be assigned to it the functions specified in Schedule 1 to this Order.

(2) The Council shall exercise their functions in such manner as appears to them to be likely to increase efficiency and productivity in the industry, to improve and develop the service that it renders or could render to the community and thus enable them to render that service more economically.

(3) The Council may enter into such agreements, acquire such property heritable or moveable and do such things, as may in the opinion of the Council be necessary or desirable for the exercise of any of their functions, and may dispose as they think fit of any property acquired by them.

Constitution of Council

4. The Council shall consist of the following members appointed by the Secretary of State, that is to say:—

- (1) Twelve persons capable of representing the interests of persons carrying on business in the industry of whom 6 shall be producers appointed from a list of at least 10 persons submitted by the National Farmers' Union of Scotland and 6 merchants appointed from a list of at least 10 persons submitted by the Scottish Potato Trade Association;
- (2) 1 person capable of representing the interests of persons employed in the industry;
- (3) 2 persons as to whom the Secretary of State is satisfied that they have no such financial or industrial interest as is likely to affect them in the discharge of their functions as members of the Council (hereinafter referred to as “the independent members”); and
- (4) if it appears to the Secretary of State to be expedient not more than 2 persons having special knowledge of matters relating to the marketing or distribution of products of the industry.

Proceedings of Council

5. The provisions of Schedule 2 to this Order shall have effect in relation to the membership and proceedings of the Council.

Charges for Expenses

6.—(1) For the purposes of enabling them to meet expenses incurred or to be incurred in the exercise of their functions and administrative expenses so incurred the Council may, with the approval of the Secretary of State, impose an annual charge on every producer at a rate not exceeding £15 per hectare in

respect of the area of any crop of potatoes for which he holds a certificate issued in accordance with Schedule 1 to the Seed Potatoes Regulations 1978 and the charge shall be levied on all crops, so certified, planted after the coming into operation of this order. The Council shall refund in whole or in part the annual charges paid where a certificate issued under those Regulations has been withdrawn or amended by the Secretary of State. In a case where an amended certificate has been issued the refund of annual charges will be calculated by reference to the difference between the areas of the crops of potatoes respectively covered by the original and amended certificates.

(2) The Council may also for the purposes of this regulation make an annual charge not exceeding £500 on any person who is not a producer but who is carrying on business in the industry or is carrying on business consisting wholly or partly in the production of or dealing in any of the materials of the industry and who has applied to receive any of the benefits which result from the actions of the Council in the exercise of their functions.

(3) For the purpose of computing the amount payable under paragraph (1) of this article any part of a hectare less than one tenth of a hectare shall be charged as if it were one tenth of a hectare.

(4) Every charge imposed in accordance with the provisions of this article shall be payable on such date or dates as the Council may determine for any year at the Office of the Council and it shall be a debt due to the Council and shall be recoverable as such.

Borrowing and Investment of Money

7.—(1) The Council may borrow money and pledge grant security over, or charge any of their property (including the proceeds of the charges imposed in accordance with the provisions of article 6 of this order) for the purpose of defraying any expenses incurred or to be incurred in the discharge of their functions.

(2) The Council may establish and thereafter maintain a reserve fund for the purposes of their functions.

(3) Any moneys for the time being comprised in a reserve fund maintained under this article, and any other moneys of the Council which are not for the time being required for any other purpose, may be invested in accordance with the next following paragraph.

(4) Sections 1, 2, 5 and 6 of the Trustee Investments Act 1961^(a) (which relate to the powers and duties of trustees in relation to investments) shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Council were the trustees of that trust fund.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
3rd December 1981.

(a) 1961 c. 62.

Article 3

SCHEDULE 1

FUNCTIONS OF THE SCOTTISH SEED POTATO DEVELOPMENT COUNCIL

1. Promoting or undertaking scientific research.
2. Promoting improvements in the standards of quality and presentation of the products of the industry.
3. Promoting the production and marketing of the products of the industry.
4. Promoting or undertaking research into improving arrangements for the marketing and distribution of the products of the industry.
5. Promoting or undertaking research into matters relating to the use of the products of the industry.
6. Promoting the development of export trade, including promoting or undertaking arrangements for publicity overseas.
7. Promoting or undertaking arrangements for better acquainting the users in the United Kingdom with the products of the industry and methods of using them.
8. Promoting or undertaking the collection and formulation of statistics.
9. Undertaking arrangements for making available information obtained, and for advising, on matters with which the Council are concerned in the exercise of any of their functions.

SCHEDULE 2

Article 5

PROCEEDINGS OF THE COUNCIL

1. The members of the Council shall hold office for such term not exceeding four years as the Secretary of State may determine, so, however, that a member of the Council on vacating his office on the expiration of the term thereof shall be eligible for reappointment.

2. If a member appointed as an independent member—

(a) commences or resumes carrying on a business in the industry or acts in the management of any undertaking the owner of which carries on business in the industry, or

(b) refuses to sell or dispose of any interest or security held directly or indirectly for his benefit and the retention of which he has been informed by the Secretary of State to be in his opinion likely to affect him in the discharge of his functions or fails to sell or dispose of any such interest or security within one month after having been requested by the Secretary of State so to do,

the Secretary of State may declare the office of such member to be vacant.

3. A quorum of the Council shall be such number as the Council may decide not being less than nine.

4. The Council may appoint committees of their members and may determine the quorum and procedure of any such committee.

5. The seal of the Council shall not be applied to any document except by the authority of the Council or a duly authorised committee of members of the Council and the application of the seal shall be authenticated by the signatures of two members of the Council.

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Council by any person generally or specially authorised by them for the purpose.

7. Every document purporting to be a document duly executed or issued either under the seal of the Council authenticated in the manner provided by this Schedule or on behalf of the Council, or purporting to be signed by the secretary or any person authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

8. The Council may pay to their members any expenses properly incurred by them in the business of the Council and may pay such remuneration and allowances to the Chairman as the Secretary of State may determine.

9. The validity of any proceedings of the Council shall not be affected by any vacancy amongst the members thereof.

10. Minutes shall be kept of the proceedings of the Council and any such minutes shall, if signed by any person purporting to have acted as Chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first mentioned meeting and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

11.—(1) A member of the Council shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Council, disclose the nature of his interest at a meeting of the Council as soon as possible after the relevant circumstances have come to his knowledge.

(2) Any disclosure made by a member under the foregoing sub-paragraph shall be recorded in the minutes of the Council, and that member shall not take part after the disclosure in any deliberation or decision of the Council with respect to that contract, but may, nevertheless, be taken into account for the purpose of constituting a quorum of the Council.

12. The Council shall have an office at which communications and notices will at all times be received and shall notify the Secretary of State of the address of that office and any change of that address.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order which comes into operation on 4th December 1981 establishes a development council for the seed potato production industry in Scotland to be known as Scottish Seed Potato Development Council.

The Order specifies the way in which the Council will be constituted, sets out the functions which are assigned to them and contains a definition of the industry to which the Order relates. Provision is made for the improvement of marketing methods and for the imposition of a charge to enable the Council to meet expenses incurred by them in the exercise of their functions.

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