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**1985 No. 312**

**AGRICULTURE**

**The Potato Marketing Scheme (Amendment)  
Order 1985**

*Made*   -   -   -   -   -                      *27th February 1985*

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), which amendments and subsequent modifications made by Ministers are set out in the Schedule hereto:

And whereas the Ministers laid before each House of Parliament the amendments set out in the said Schedule and the House of Commons resolved on 18th February 1985 and the House of Lords resolved on 26th February 1985 that they should be approved;

Now, therefore, the Ministers in pursuance of section 2 of and Schedule 1 to the Agricultural Marketing Act 1958(b), acting jointly(c), hereby make the following order:—

1. This order may be cited as the Potato Marketing Scheme (Amendment) Order 1985.
2. The amendments of the Potato Marketing Scheme 1955 which are set out in the Schedule hereto are hereby approved and shall come into operation on the day after the day on which this order is made.

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(a) Approved by S.I. 1955/690, amended by S.I. 1962/883, 1971/711, 1976/133.

(b) 1958 c. 47.

(c) In the case of the Secretary of State for Wales, by virtue of S.I. 1969/388 and 1978/272.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th February 1985.



*Michael Jopling,*  
Minister of Agriculture, Fisheries and Food.

*George Younger,*  
Secretary of State for Scotland.

27th February 1985.

*Nicholas Edwards,*  
Secretary of State for Wales.

27th February 1985.

## Article 2

## SCHEDULE

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

1. In paragraph 3, for the definition of "District", there shall be substituted the following definition—

““District” means a district constituted in accordance with paragraph 10 of this Scheme;”,

and for the definition of "Potato area" there shall be substituted the following definition—

““Potato Area” means at any time, in relation to any producer—

- (a) The largest number of hectares of the land then in his occupation which that producer or a previous occupier of that land has had under potatoes at any one time during the preceding calendar year; or
- (b) if, during the preceding calendar year, no potatoes have been planted on the land then in his occupation, the quota area of that producer for the calendar year then current.”

2. For paragraph 10 there shall be substituted the following paragraph—

“10.—(1) Subject to subparagraphs (2) and (3) of this paragraph, for the purposes of this Scheme there shall be thirteen districts constituted in accordance with Schedule A of this Scheme, and each district shall, subject to the provisions of this Scheme, elect a district member or members as therein specified.

(2) If at any time the Board are of the opinion that the average total area of land under potatoes in any district or districts (as ascertained from the agricultural statistics published by the Ministry of Agriculture, Fisheries and Food, the Department of Agriculture and Fisheries for Scotland and the Welsh Office Agriculture Department) for the last three preceding years is such that an alteration should be made, the Board may, by prescriptive resolution, alter the number of members to be elected by all or any of the districts. Such alteration shall take effect at the next election in the district or districts affected thereby notwithstanding that the effect of such alteration is temporarily to increase or decrease the total number of district members above or below twenty-five but so that such alteration shall as soon as practicable result in the total number of district members being twenty-five.

(3) If at any time the Board are of the opinion that it would conduce to the improved representation of registered producers in any area, the Board may, by prescriptive resolution and with effect from such date as the Board may prescribe, amalgamate, subdivide or alter the boundaries of any district or districts (notwithstanding that the number of districts may thereby be increased or decreased) and reallocate any member or members of the Board to a new or amended district affected by such amalgamation, subdivision or alteration, so however that the number of members for each new or amended district shall be such as in the opinion of the Board is reasonable having regard to the average total area of land under potatoes (ascertained as under paragraph (2) of this paragraph) in that new or amended district and in every other district.”

3. After subparagraph (3) of paragraph 11 there shall be inserted the following subparagraph:

“(4) Whenever there shall have been an amalgamation, subdivision or alteration of the boundaries of any district pursuant to paragraph 10(3) of this Scheme—

- (a) elections shall be held in every new or altered district on such day in the month of September or October following the date on which such amalgamation, subdivision or alteration took effect as may be fixed by the Board; and
- (b) the Board shall prescribe a timetable for future district elections which ensures as far as is practicable that not more than three years shall elapse between elections for every district member”.

4. In paragraph 14(4)(a), (b) and (c) and (6), for the words “4th day of June” there shall be substituted the words “1st day of June”.

5. In paragraph 40(1), for the words “five new pence” and “one new penny” there shall in each case be substituted the words “ten pence”.

6. In paragraph (a) of the proviso to paragraph 40(1), for the words “twenty pounds” there shall be substituted the words “forty pounds”.

7. In paragraph 56, for the words “ten new pence” there shall be substituted the words “twenty pence”.

8. In paragraph 59, for the words “fifty of the registered producers” there shall be substituted the words “twenty-five of the registered producers”.

9. For paragraph 63(3) there shall be substituted the following paragraph:

“63.—(3) Upon the taking of a formal vote at a general meeting of all producers a registered producer shall have the standard number of votes calculated in relation to the area of land in his occupation in Great Britain which was under potatoes on the 1st day of June preceding the date of the meeting. If none of that land was under potatoes on that date his standard number of votes shall be one”.

10. In subparagraph 3(a) of paragraph 84—

(a) after the definition of “the actual rate” there shall be inserted the following definition:

““average price” means the average price per tonne received by registered producers for potatoes sold for human consumption after the 30th day of June in the year in which they have been grown and harvested and before the 1st day of July in the following year, as ascertained in respect of each period by reference to a certificate issued by such firm of chartered accountants as the Minister of Agriculture, Fisheries and Food may specify.”;

(b) for the definition of “the formula rate” there shall be substituted the following definition:

““the formula rate” means the rate calculated in accordance with the provisions of subparagraph (c) of this paragraph, save that

(i) if a formula rate cannot be calculated for any calendar year because any of the factors for such calculation are not available then the formula rate shall be deemed to be equivalent to the formula rate for the previous calendar year; and

(ii) the formula rate for the calendar year 1985 shall be £75 per hectare.”;

(c) the definition of “guaranteed price” shall be deleted; and

(d) after the definition of “the formula rate” there shall be inserted the following definition:

““return per hectare” means for any calendar year the product of the average yield for that year and the average price applicable to potatoes grown and harvested in that year.”.

11. For subparagraph 3(c) of paragraph 84 there shall be substituted the following subparagraph:

“(c) The actual rate of ordinary contribution in respect of any calendar year shall not exceed the formula rate which shall be calculated for every calendar year subsequent to 1985 by multiplying the formula rate for the previous calendar year by the total of the returns per hectare of the earliest three of the previous four calendar years divided by the total of the returns per hectare for the earliest three of the previous five calendar years, provided that if the formula rate so calculated is less than the formula rate for the previous calendar year, then the formula rate shall be the formula rate for the previous calendar year.”

12. In subparagraphs (2) and (3) of paragraph 88, for the words “1000 registered producers” there shall be substituted the words “400 registered producers”, and for the words “8000 hectares” there shall be substituted the words “4000 hectares”.

13. In subparagraph (1) of paragraph 89, for the words “paragraphs 4 to 6” there shall be substituted the words “paragraph 4”.

14. In subparagraph (2) of paragraph 89, for the words “paragraph 7” there shall be substituted the words “paragraph 5”.

15. In Schedule A, before the words “There shall be thirteen districts”, there shall be inserted the words “Subject to paragraph 10(2) and (3)”.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order approves further amendments of the Potato Marketing Scheme 1955, (“the Scheme”).

1. Detailed amendments are made to—

- (a) the arrangements for altering electoral districts and for subsequent elections, (paragraphs 3, 10(3) and 11(4));
- (b) the qualifying date for the purposes of voting at an election of members of the Potato Marketing Board, (paragraph 14(4) and (6));
- (c) the charges for copies of the Board’s register of producers and balance sheet, (paragraphs 40(1) and 56);
- (d) the number of registered producers required to requisition a special district meeting, (paragraph 59);
- (e) the voting entitlement of registered producers at a general meeting (paragraph 63(3));
- (f) the calculation of the formula rate for determining the ordinary contribution of registered producers, (paragraph 84(3));
- (g) the arrangements for demanding a poll of registered producers for the purposes of the Scheme, (paragraphs 3 and 88(2) and (3)).”

2. The paragraphs cited above are those so numbered in the Scheme.

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