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STATUTORY INSTRUMENTS

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**1997 No. 266**

**The Potato Industry Development Council Order 1997**

**Charges for expenses**

9.—(1) For the purposes of enabling it to meet its administrative and other expenses incurred or to be incurred in the exercise of its functions the Council may, with the approval of the Ministers, impose on every person carrying on business in the industry as a producer or a first purchaser or both, a charge at such a rate as it considers from time to time to be appropriate, subject to the following provisions of this article.

(2) Any charge imposed under this article shall be paid to the Council at its office or at such other place as the Council may direct on giving at least 30 days notice in writing.

(3) Producers shall pay a charge per hectare of land used to grow potatoes, not exceeding £40 per hectare.

(4) First purchasers who buy or take delivery of potatoes for human consumption shall pay a charge per tonne at the first point of sale not exceeding 25p per tonne.

(5) Payment of the charges referred to in this article shall become due—

- (a) in the case of producers, on the 1st November in each year, and
- (b) in the case of first purchasers, quarterly, in arrears, on 31st December, 31st March, 30th June and 30th September in each year and the payment made on 30th September shall be adjusted to reflect the amounts shown in the return referred to in Article 8(2).

(6) Where two or more persons jointly carry on business in the industry they shall, for the purpose of calculating any charge payable by them in respect of potatoes produced and sold in the joint business, be treated as constituting a single person.

(7) Where a first purchaser who is a commission agent or a producers' co-operative pays the charge referred to in paragraph (4) he may—

- (a) recover the charge from the purchaser to whom he next sells, and where he does so he may deduct from the charge which he pays to the Council a sum equal to the reasonable expenses incurred by him in so doing, and
- (b) where the purchaser to whom he next sells is adjudged bankrupt or insolvent so that the first purchaser cannot recover the charge from him, the first purchaser shall not be liable to account for the charge to the Council.

(8) A producer/merchant shall pay the charges referred to in this Article as follows—

- (a) on potatoes which he has grown himself, he shall pay the charge referred to in paragraph (3) and the next person who buys or takes delivery from him shall be regarded as the first purchaser of those potatoes and shall pay the charge referred to in paragraph (4),
- (b) on potatoes which he has acquired as a first purchaser, he shall pay the charge referred to in paragraph (4).

(9) Where seed potatoes are sold to producers for the purposes of planting, the producer shall pay the charge referred to in paragraph (3) and no other charge shall be paid on seed potatoes at any stage.

(10) Any charge imposed under this article shall, if not paid in accordance with this article, be recoverable by the Council as a debt.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(11) Where the Council is entitled to recover a charge as a debt it may in addition recover interest on the amount of that debt calculated at the rate of one percentage point above the sterling three months London Interbank Offered Rate on a day to day basis from the date when that debt became due to the date of its recovery by the Council.