



Isle of Man

Ellan Vannin

AT 1 of 1948

**AGRICULTURAL MARKETING (NO. 2) ACT
1948**



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**Isle of Man***Ellan Vannin*

AGRICULTURAL MARKETING (NO. 2) ACT 1948

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| <i>Received Royal Assent:</i> | <i>8 October 1948</i> |
| <i>Passed:</i> | <i>19 October 1948</i> |
| <i>Commenced:</i> | <i>19 October 1948</i> |

AN ACT to authorise the Isle of Man Board of Agriculture and Fisheries to control the prices at which certain agricultural products may be sold, and for other purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 Orders by Department controlling prices

- (1) Notwithstanding the provisions of the principal Act, the Department may, at any time, and from time to time, by Order, control the prices at which all or any of the agricultural products specified in the First Schedule to this Act may be sold.¹
- (2) Any such Order may make different provisions for different circumstances, and in particular in relation to any agricultural product may make different provisions for different qualities or descriptions thereof or for different years or different parts of a year or different seasons of a year or according to the purpose for which the agricultural products are to be used.
- (3) The Department may, by any such Order, specify the terms and conditions (if any), which shall be applicable to the sale of any agricultural product to which the Order applies.²
- (4) [Repealed]³
- (5) Each provision of an Order made under this section shall come into force on the date specified in the Order for the coming into force of such provision (which may be any date prior to or subsequent to the date upon which the Order is made by the Department), and such provision shall remain in force either until the date specified in the Order for the termination of such provision, or, if no date is so specified, until such provision is terminated by a subsequent Order.⁴

2 and 3 [Repealed]⁵

4 Offences

Any person who sells or agrees to sell, or offers or exposes for sale, or buys or agrees to buy, any agricultural product to which any Order applies, contrary to any of the provisions of such Order, shall be liable on summary conviction, at the suit of the Department or any officer of Police, to a fine not exceeding £2,500, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.⁶

5 Evidence of Orders in legal proceedings

In any legal proceedings, the production of a document purporting to be a copy of an Order, and certified by the Chief Secretary to be a true copy of such Order, shall be sufficient evidence of the making and approval of such Order, and that any body required to be consulted by this Act in relation to such Order has been consulted, and no proof shall be required of the handwriting of the person certifying the same.⁷

6 Department may make Regulations

- (1) The Department may, at any time, and from time to time, make Regulations containing such provisions as the Department may, from time to time, deem necessary for carrying this Act into effect.⁸
- (2) Any Regulations made by the Department under this section shall be subject to the approval of Tynwald.⁹

7 Constitution of Agricultural Marketing Committee of Department

- (1) There shall be constituted a Committee of the Department to be called the Marketing Committee (hereinafter referred to as “**the Committee**”).¹⁰
- (2) The Committee shall be constituted in the manner specified in the Second Schedule to this Act.
- (3) The provisions specified in the Third Schedule to this Act shall apply to the Committee.

8 Recommendations by Committee

- (1) The Committee shall, from time to time make recommendations to the Department with regard to the matters which are vested in the Department by this Act, and on such other matters as the Department may, from time to time, require the Committee to consider.¹¹
- (2) Before making any such recommendation to the Department, the Committee shall consult with the Isle of Man Agricultural Marketing Society, and shall also consult with any body or bodies representing

persons interested in the sale of the agricultural product or products to which the recommendation applies.¹²

- (3) Before making an Order under this Act, the Department shall consider any recommendation made by the Committee relating to the subject matter of such Order.¹³

9 Short title and construction

This Act may be cited as the Agricultural Marketing (No. 2) Act, 1948, and shall be construed as one with the *Agricultural Marketing Act, 1934* (herein called "**the principal Act**"), and the *Agricultural Marketing Act, 1948*¹⁴, and such Acts and this Act may be together cited as the Agricultural Marketing Acts, 1934 to 1948.

10 Commencement of Act

This Act shall come into operation when the Royal Assent thereto has been, by the Governor, announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

FIRST SCHEDULE**AGRICULTURAL PRODUCTS TO WHICH THE ACT APPLIES**

Section 1

1. (a) Fat Cattle.
(b) Fat Sheep.
(c) Fat Pigs.
2. (a) Cow's Milk, and Milk Products.
(b) Wool.
3. (a) Eggs (hen and duck in shell).
(b) Poultry.
4. (a) Wheat.
(b) Barley.
(c) Oats.
(d) Rye.
(e) Hay.
(f) Straw.
(g) Turnips.
5. Potatoes.
6. Sugar Beet.

SECOND SCHEDULE**CONSTITUTION OF MARKETING COMMITTEE**

Section 7(2)

1. The Marketing Committee of the Department shall consist of —
 - (1) The Chairman for the time being of the Department;¹⁵
 - (2) To represent producers of agricultural produce: three persons who shall be appointed by the Department, being persons who are or have been producers; and¹⁶
 - (3) To represent consumers: three persons, who shall be nominated by the Isle of Man Office of Fair Trading and approved by Tynwald.¹⁷

2. Each person nominated and approved or appointed under paragraph 1 of this Schedule shall hold office as a Member of the Committee for a period of two years ending on the 31st December. The first persons so nominated and approved or appointed after this Act comes into operation shall hold office until the 31st December, 1950.
3. Any casual vacancy among the Members of the Committee shall be filled in the same manner as the place vacated. A person nominated and approved or appointed to fill any casual vacancy shall hold office only so long as the person whose place he fills would have held office.
4. Any person who is appointed a Member of the Committee under subparagraph (2) of paragraph 1 of this Schedule shall cease to be a Member of the Committee upon ceasing to be a member of the Department.¹⁸
5. The Chairman for the time being of the Department shall be Chairman of the Committee.¹⁹
6. For the purposes of sub-clause (2) of Clause 1 of this Schedule, the expression “producer” means —
 - (a) a person who is in occupation of an agricultural holding, or of land comprised in a farm business tenancy (within the meaning of the *Agricultural Tenancies Act 2008*), of not less than fifty acres; or
 - (b) a person who has previously been in occupation of such a holding or such land for not less than three years.²⁰

THIRD SCHEDULE

PROCEEDINGS OF MARKETING COMMITTEE

Section 7(3)

1. No act or proceeding of the Committee shall be questioned on account of any vacancy or vacancies in their body.
2. No defect in the nomination and approval or the appointment of any person acting as a Member of the Committee shall be deemed to vitiate any proceedings of the Committee in which he may have taken part.
3. If, at any meeting of the Committee the Chairman be not present at the time appointed for holding the same, the Committee shall appoint one of their number present at the meeting to be Chairman thereof.
4. Five Members of the Committee shall be a quorum.
5. Every question shall be decided by a majority of votes of the Members of the Committee present and voting on that question; and in the case of an equality of votes

at any meeting, the Chairman for the time of such meeting shall have a second or casting vote.

6. The names of the Members of the Committee present at each meeting of the Committee shall be recorded in the Minutes of the Meeting.

7. The Committee shall keep Minutes of their proceedings and any Minute made of proceedings at a Meeting of the Committee, if signed by any person purporting to be Chairman of the Meeting of the Committee at which such proceedings took place or at the next ensuing Meeting of the Committee shall be receivable in evidence in all legal proceedings, without further proof. Until the contrary is proved, every meeting of the Committee in respect of which Minutes have been so made, shall be deemed to have been duly convened and held.

8. The Committee shall meet from time to time for the despatch of business, and may from time to time, as they shall see occasion, make regulations, for conducting their business, for the summoning, notice, place and adjournment of meetings of the Committee, for appointing forms of procedure in exercising the jurisdiction of the Committee, and generally for carrying into effect the powers and authorities conferred on the Department and the Committee by this Act and any other Act of Tynwald.²¹

9. The Committee shall have power, as often as they may deem fit, to appoint any two or more of their number as a sub-committee for any purposes having reference to the powers and duties of the Committee under this Act, and every such sub-committee shall be bound to report to the Committee at such time or times as they may direct, and failing such direction, shall report to the Committee at their next meeting.

ENDNOTES

Table of Endnote References

¹ Subs (1) amended by GC121/86.

² Subs (3) amended by GC121/86.

³ Subs (4) repealed by Governor's General Functions (Transfer) Act 1980 Sch 2.

⁴ Subs (5) amended by Governor's General Functions (Transfer) Act 1980 Sch 2 and by GC121/86.

⁵ Ss 2 and 3 repealed by Governor's General Functions (Transfer) Act 1980 Sch 2.

⁶ S 4 amended by Agricultural Marketing Act 1954 s 5 and by GC121/86.

⁷ S 5 amended by Civil Service Act 1990 s 7.

⁸ Subs (1) amended by GC121/86.

⁹ Subs (2) amended by GC121/86.

¹⁰ Subs (1) amended by GC121/86.

¹¹ Subs (1) amended by GC121/86.

¹² Subs (2) amended by GC121/86.

¹³ Subs (3) amended by Governor's General Functions (Transfer) Act 1980 Sch 2 and by GC121/86.

¹⁴ Agricultural Marketing Act 1948 repealed by GC121/86.

¹⁵ Subpara (1) amended by GC121/86.

¹⁶ Subpara (2) substituted by Boards of Tynwald Act 1957 Sch and amended by GC121/86.

¹⁷ Para 1 amended by GC121/86. Subpara (3) amended by GC55/88 and by SD579/98.

¹⁸ Para 4 amended by GC121/86.

¹⁹ Para 5 amended by GC121/86.

²⁰ Para 6 substituted by Agricultural Tenancies Act 2008 Sch.

²¹ Para 8 amended by GC121/86.