



Isle of Man

Ellan Vannin

AT 3 of 1966

**AGRICULTURE AND HORTICULTURE ACT
1966**



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**Isle of Man***Ellan Vannin*

AGRICULTURE AND HORTICULTURE ACT 1966

<i>Received Royal Assent:</i>	<i>6 April 1966</i>
<i>Passed:</i>	<i>17 May 1966</i>
<i>Commenced:</i>	<i>17 May 1966</i>

AN ACT to make provision for and in connection with the maintenance of minimum price levels for imports affecting the market for agricultural and horticultural produce of descriptions produced in the Isle of Man of the United Kingdom and for purposes connected therewith.

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

1 Price stability of imported products

- (1) In the interest of maintaining in the Isle of Man and the United Kingdom a stable market for agricultural or horticultural produce of any description produced in the Isle of Man or the United Kingdom, the Department of Environment, Food and Agriculture (in this Act referred to as “**the Department**”) may by order specify produce of that description or any of its related products or both as commodities in relation to which the powers conferred by subsection (2) of this section may be exercised; and for the purposes of this section “specified commodity” means any description of produce or related product in relation to which those powers are for the time being exercisable by virtue of such an order.¹
- (2) In relation to any specified commodity the Department may by order prescribe a minimum price level for imports into the Isle of Man; and with a view to maintaining the level so prescribed for any commodity or to allowing for the effect for that or other specified commodities of its maintenance, it may by order direct that on any specified commodity imported into the Isle of Man there shall be charged such levy as may be prescribed by or determined in accordance with the order.²
- (3) Where in the case of any specified commodity a minimum price level is prescribed or a levy is imposed under subsection (2) of this section the Department may by order provide for the granting, in such

circumstances and subject to such conditions as may be provided for in the order —

- (a) of allowances or reliefs in respect of the levy (if any) chargeable on the imported commodity; and
- (b) in connection with the exportation of any goods from the Isle of Man, of such other allowances on or relating to the commodity (whether or not imported or subject to any levy) as appear to the Department to be proper by reason of the effects of the minimum price level or levy;³

and orders under this subsection may require the payment to the Treasury of fees or other charges in connection with applications made to the Department with a view to the granting of any allowance or relief under this subsection.⁴

- (4) Orders under subsections (2) or (3) of this section may make different provision for any specified commodity by reference to quality, origin or otherwise; and in exercising its powers under this section the Department may have regard to the interests of agricultural or horticultural producers elsewhere than in the Isle of Man or the United Kingdom.⁵
- (5) Every Order made by the Department under this section shall be laid before the sitting of Tynwald held next after the making thereof.⁶
- (6) Any of the provisions of any such Order may be made retrospective and shall have effect from the date specified therein, or if no date be specified, from the date of the making of the order but shall cease to have effect unless Tynwald, at the sitting referred to in subsection (5) of this section, by resolution approves the same.
- (7) Subject to the provisions of this section and of any order made under it, the provisions set out in the Schedule to this Act shall have effect for the administration of and other purposes relating to levies, allowances and reliefs under this section.
- (8) For the purposes of this section “produce” includes anything (whether live or dead) produced in the course of agriculture or, as the case may be, horticulture; and “related product,” in relation to produce of any description, means —
 - (a) any product of a description which is obtained from that produce or from any related product, with or without any process of manufacture, or is obtained by the use of that produce or by that of any related product as a material component or ingredient; and
 - (b) any substance or article of a like nature or use to the produce or to any related product.

2 Application of Imperial orders

- (1) In this section the expression “Imperial order” means an order made under the provisions of section one of the Agriculture and Horticulture Act, 1964 of the Imperial Parliament and whether made before or after the commencement of this Act.
- (2) Subject to such exceptions and modifications as may be made by the Department under section one of this Act, any Imperial Order shall have effect in the Isle of Man as though it were an order made by the Department under the said section one.⁷
- (3) Notwithstanding the provisions of subsection (2) of this section an Imperial order shall cease to have effect in the Isle of Man if the Department shall so declare in an order made under section one of this Act.⁸

3 Short title and commencement

- (1) This Act may be cited as the Agriculture and Horticulture Act, 1966.
- (2) 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.

SCHEDULE**PRICE STABILISATION LEVIES (SUPPLEMENTARY PROVISIONS)**

Section 1(7)

1. (1) The general provisions of the *Customs and Excise Management Act 1986* and any other statutory provisions for the time being in force in the Isle of Man and relating to customs or excise generally, shall have effect, subject to the provisions of this paragraph, in relation to levies imposed under section one of this Act (in this paragraph referred to as “price stabilisation levies”), to any relief in respect of such levies and to specified commodities of any description as if the levies were duties (whether of customs or excise) charged on imported goods and all imports of any such commodity were liable to such a duty.⁹

(2) For the purposes of sub-paragraph (1) of this paragraph, section ten of the Finance Act, 1901 (an Act of the Imperial Parliament which relates to changes in customs import duties in their effect on contracts) shall be taken as relating to customs or excise generally; but that sub-paragraph shall not extend the operation of section 122 of the said Act of 1986.¹⁰

(3) [Repealed]¹¹

(4) The Department may, with the approval of Tynwald, by Order provide for any further exceptions from or adaptations of the statutory provisions which are to apply for any purpose by virtue of sub-paragraph (1) of this paragraph; and any of the provisions of such an Order may be made retrospective, and shall take effect from such day or days as may be specified in the Order and different days may be specified for different purposes and different provisions of the Order.¹²

(5) In this paragraph “statutory provisions” means provisions contained in an enactment or having effect by virtue of an enactment; and in sub-paragraph (1) of this paragraph the reference to any relief in respect of price stabilisation levies shall include any allowance or relief from which provision is made by an order under section one of this Act.

(6) [Repealed]¹³

2. Where any question affecting the operation in relation to imported goods of an order under section one of this Act depends on the country in which they were grown, produced or manufactured or on that from which they were consigned to the Isle of Man, the Treasury may require the importer of the goods to furnish to it in such form as it may require, proof of any statement made to it as to any fact necessary to determine that question; and if such proof is not furnished to its satisfaction, the question may be determined without regard to that statement.¹⁴

3. If, for the purpose of an application made to the Department with a view to the granting of any allowance or relief for which provision is made by an order under section one of this Act, a person makes any statement or produces any document which is false in a material particular, then —

- (a) any decision allowing the application shall be of no effect; and
- (b) if the statement was made or the document was furnished knowingly or recklessly, that person shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £500, or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both.¹⁵

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (1) amended by SD155/10 Sch 3.

² Subs (2) amended by GC55/88 and by Interpretation Act 1976 s 16A.

³ Para (b) amended by GC55/88.

⁴ Subs (3) amended by Treasury Act 1985 Sch 2 and by GC55/88.

⁵ Subs (4) amended by GC55/88 and by Interpretation Act 1976 s 16A.

⁶ Subs (5) amended by GC55/88.

⁷ Subs (2) amended by GC55/88.

⁸ Subs (3) amended by GC55/88.

⁹ Subpara (1) amended by GC38/79 and by Customs and Excise Management Act 1986 Sch 4.

¹⁰ Subpara (2) amended by GC38/79 and by Customs and Excise Management Act 1986 Sch 4.

¹¹ Subpara (3) repealed by GC38/79.

¹² Subpara (4) amended by GC55/88.

¹³ Subpara (6) repealed by Customs and Excise Management Act 1986 Sch 5.

¹⁴ Para 2 amended by Treasury Act 1985 Sch 2 and by Interpretation Act 1976 s 16A.

¹⁵ Para 3 amended by GC55/88.