EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The Family Allowances and National Insurance Act (Northern Ireland) 1964 has changed the form of a widowed mother's allowance payable to a widow with a child or children in the family under the National Insurance Act (Northern Ireland) 1946. Formerly the allowance was a single allowance (containing an "element" in respect of the only, elder or eldest child, of the widow) with which were payable increases in respect of any child after the first; but this has now been replaced by a personal allowance for the widow together with increases in respect of each child, including the first.

Under provisions of the Reciprocal Agreements with Australia and New Zealand (which are set out respectively in the Family Allowances and National Insurance (Reciprocal Agreement with Australia) Order (Northern Ireland) 1962 and the National Insurance (Reciprocal Agreement with New Zealand) Order (Northern Ireland) 1956), increases of United Kingdom benefit for children in those countries are not payable concurrently with certain benefits for children under the legislation of those countries. The "element" in widowed mother's allowance in respect of the first or only child not being an increase, those provisions did not apply to it. The present Order secures that the provisions will not apply to the new increase for the first or only child, which will therefore be payable concurrently with the benefits for such child under Australian and New Zealand legislation respectively.

This Order shall cease to have effect unless before the expiration of two years from 15th day of June, 1964, it has been approved by a Resolution of each House of Parliament.

1964. No. 86 **[C]**

AGRICULTURAL MARKETING

Herbage Seed

ORDER, DATED 9TH JUNE, 1964, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 2(1) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND) 1964(a).

Whereas the Ministry of Agriculture (hereinafter called "the Ministry") in exercise of the powers conferred on it by the Agricultural Marketing Acts (Northern Ireland) 1933 to 1963(b) framed a Scheme regulating the marketing of herbage seed:

And whereas in pursuance of the provisions of the First Schedule to the Agricultural Marketing Act (Northern Ireland) 1933 notice of the framing of the said Scheme and of the period during which objections and representations with respect thereto might be made was published in the *Belfast Gazette* of 17th April, 1964:

(a) 1964. c. 13 (N.I.).
(b) 23 & 24 Geo. 5. c. 22 (N.I.); 24 & 25 Geo. 5, c. 6 (N.I.); 1955, c. 22; 1963, c. 15 (N.I.).

And whereas the Ministry, after considering objections duly made with respect to the Scheme as framed, has modified the said Scheme:

Now, therefore, the Ministry in exercise of the powers conferred on it by sub-section 1 of section two of the Agricultural Marketing Act (Northern Ireland) 1964 hereby makes the following Order:—

1. The said Scheme as so modified and as set out in the Schedule is hereby approved.

2. The said Scheme shall come into force on the 15th day of June, 1964.

3. This Order may be cited as the Herbage Seed Marketing Scheme (Approval) Order (Northern Ireland) 1964.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 9th day of June, 1964, in the presence of

(L.S.) *A. McKelvie,*
Assistant Secretary.

SCHEDULE

Herbage Seed Marketing Scheme (Northern Ireland) 1964

PART I

PRELIMINARY

1. This Scheme may be cited as the Herbage Seed Marketing Scheme (Northern Ireland) 1964.

2. In this Scheme, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:

"Accounting period" means a year beginning on the 1st June and ending on the 31st May following;

"Cleaning" means purification by the extraction of weed seeds, seeds which are foreign to the kind of seed on which cleaning operations are being carried out and inert matter;

"Description" in relation to herbage seed includes a description by reference to the variety or grading or by reference to the area, district, locality or place of production of such herbage seed;

"Grade" means a category delimited by reference to any test, characteristic or quality;

"Herbage Seed" means a crop of seed produced by sowing in Northern Ireland the seeds of grasses (other than cereals), clover, birds-foot-trefoil, burnet, kidney-vetch, lucerne, ribgrass, sainfoin, tares and

vetches, trefoil and yarrow or any mixture of these and includes any grade or description of these whether or not they have been subjected to a process of cleaning;

"Merchant" means a person who buys herbage seed from the Board notwithstanding that he may at the same time be a producer or registered producer of herbage seed;

"Minister" means the Minister of Agriculture for Northern Ireland;

"Ministry" means the Ministry of Agriculture for Northern Ireland;

"Prescribed" means prescribed by the Board by resolution;

"Producer" means a producer of herbage seed;

"Registered" means registered under this Scheme;

"Seed cleanings" means the matter extracted from herbage seed during a process of cleaning;

"Secretary" includes any person for the time being authorised by the Board to act as their Secretary;

"The Act" means the Agricultural Marketing Act (Northern Ireland) 1964;

"The Board" means the Herbage Seed Marketing Board for Northern Ireland constituted by this Scheme;

PART II

THE BOARD

3. The Board to administer the Scheme shall be called the Herbage Seed Marketing Board for Northern Ireland and shall be a body corporate with a common seal and power to hold land.

4.—(1) Until 31st May, 1965, the Board shall consist of the following persons:—

S. A. Boyd, Esq., F.C.A., 33 Earlswood Road, Belfast 4 (Chairman).

R. D. Best, Esq., J.P., The Cairn, Aghalee, Lurgan.

R. A. Brown, Esq., O.B.E., J.P., Moneyhaw, Moneymore.

P. Byrne, Esq., Mount Carmel, Armagh Road, Newry.

A. F. Danton, Esq., Raspberry Hill House, Donemana, Londonderry.

A. H. Fetherston, Esq., 110 King's Road, Belfast 5.

E. Foster, Esq., 24 Bawnmore Road, Belfast 9.

J. M. Laughlin, Esq., Grove View, Garvagh, Coleraine.

N. Ruddell, Esq., Laurelmount, Lurgan.

(2) Thereafter the Board shall consist of nine members of whom three shall be appointed members, that is to say, they shall be appointed and may be removed by the Minister, and six shall be members elected as provided in Part IV.

5.—(1) The three elected members who on the occasion of the first election polled the least number of votes shall hold office for two years; the other three elected members, and members subsequently elected, shall hold office for four years.

(2) Subject to the provisions of Part IV an election for members shall be held in 1965 and thereafter elections shall be held at such intervals as are appropriate in relation to the terms of office defined in the foregoing sub-paragraph.

(3) Every elected member shall, subject to the provisions of the Scheme, take office on the 1st day of June following his election.

6. An elected or a co-opted member of the Board whose term of office expires or who resigns his office shall be eligible for election or re-election.

7.—(1) An elected member of the Board shall cease to hold office—

(*a*) if he delivers to the Board a written resignation of his office and the resignation is accepted by the Board, or if not accepted, is not withdrawn within seven days after the meeting at which the resignation was considered; or

(*b*) if he is detained for more than seven days in any place under any enactment in force in any part of the United Kingdom relating to persons of unsound mind; or

(*c*) if he is adjudged bankrupt or enters into a composition with his creditors; or

(*d*) if the Board by resolution declare that he has been absent from six consecutive meetings of the Board without reasonable excuse; or

(*e*) if he is convicted of any offence under sub-section (1) of Section twenty-three of the Act; or

(*f*) if the Board by resolution declare that he has failed without reasonable excuse to disclose information which he is required by the provisions of paragraph 18(3) of the Scheme to disclose.

Sub-paragraphs (*b*), (*c*) and (*e*) of this paragraph shall apply to appointed members of the Board, and sub-paragraph (*a*) shall apply to those members with the substitution of the Minister for the Board.

(2) A member of the Board shall not be eligible for employment by the Board under a contract of service.

8.—(1) If—

(*a*) sufficient candidates are not nominated in accordance with Part IV of the Scheme the Board shall co-opt a person or persons to fill the number of vacancies;

(*b*) an elected member of the Board dies or ceases to hold office under Paragraph 7, the Board shall at its discretion co-opt a person in his place or request the Ministry to hold an election as provided in Part IV to fill the vacancy.

(2) Any person so co-opted shall, unless he dies or ceases to hold office as aforesaid, hold office for so long as the person in whose place he is co-opted would have held office.

9. The Board shall elect from among their members a vice-chairman and after the expiration of the period of office of the first chairman to be designated by the Minister under the Act a chairman. The chairman and vice-chairman so elected shall, provided they remain members of the Board, hold office for such period not exceeding four years as the Board with the approval of the Ministry may determine and if re-appointed or re-elected to the Board shall be eligible for re-election as chairman and vice-chairman.

10. The Board shall, subject to Paragraph 11, at all times have power to act notwithstanding any vacancy among their members and may appoint committees out of their own number.

11.—(1) The quorum of the Board or of any committee thereof shall be such number as the Board may determine, so, however, that in the case of the Board the quorum shall be not less than five and of any committee, not less than three.

(2) In each case the quorum shall include at least one person appointed by the Minister.

(3) Questions arising at any meeting of the Board or of any committee thereof shall be decided by a majority of the votes of the members present, and in the case of an equality of votes at such a meeting the member acting as chairman shall have a second or casting vote. Three members of the Board or the chairman may, and the secretary on the request of any three members of the Board or of the chairman shall, convene a meeting of the Board. A meeting shall be convened by notice in writing to the members.

12. All acts done at any meeting of the Board or of any committee thereof shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or qualification of a person purporting to be a member of the Board or the committee, or that a member of the Board has voted upon any question upon which he was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

13. Minutes shall be kept of the proceedings of the Board and of any committee thereof, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which they relate or of a meeting at which they were read, be evidence of those proceedings and the meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted. A copy of the minutes of each meeting of the Board, or of any committee thereof shall be sent to the Ministry within fourteen days of such meeting.

14. The common seal of the Board shall not be affixed to any document except by the authority expressed by resolution of the Board and the affixing of the seal shall be attested by at least two members of the Board authorised in that behalf and by the Secretary.

15. Contracts and instruments which would not in the case of a private person require to be under seal may be entered into or executed on behalf of the Board by any person authorised in that behalf by the Board.

16. The Board—

(1) may, subject to the provisions of the Act, employ a secretary and such other officers, servants and appoint such agents as they think fit;

(2) shall have an office at which communications and notices will at all times be received, and shall notify the Ministry of the address thereof, and of any change in that address;

(3) may, subject to the provisions of sub-paragraph (4), enter into such agreements, acquire such property and do such things as may in their opinion be necessary or desirable for the purpose of exercising any of their powers or performing any of their duties under this Scheme, and may sell or otherwise dispose of any property acquired by them which they do not need for such purpose;

(4) may acquire premises and establish facilities to enable the cleaning of herbage seed and processes connected therewith to be undertaken by the Board to such extent as may be approved by the Ministry.

17. The Board may pay to any member of the Board any such travelling and other expenses as have in their opinion been reasonably incurred by such member in connection with the business of the Board. The Board may also pay to any member such remuneration (if any) as may be recommended by them and approved by the Ministry.

18.—(1) A contract entered into by the Board shall not be avoided by reason only that a member of the Board is also a party thereto or is interested therein.

(2) A member of the Board shall not be liable to account to the Board for any profits realised by him out of any contract by reason only of the fact that the Board are also a party to such contract or are interested therein.

(3) A member of the Board shall forthwith disclose to the Board—

(*a*) any interest which he has or acquires in any contract to which the Board are a party or in which the Board have or acquire any interest; and

(*b*) any interest which he has or acquires in any other contract whatsoever, if such interest in any way conflicts with his duty as a member of the Board.

(4) A member of the Board shall not vote upon any question relating to any contract to which he is a party or in which he has any interest; and if he does vote, his vote shall not be counted. Provided that nothing in this provision contained shall preclude a member of the Board from voting on any question relating to the general policy of the Board.

PART III

REGISTRATION OF PRODUCERS

19.—(1) The Board shall keep a register of producers and every producer shall, on application to the Board, be entitled to be registered therein subject as provided in this Part.

(2) For the purposes of Part IV and Part VI two or more persons registered jointly shall be regarded as constituting together a single registered producer.

20. The register of producers shall be open for inspection at the office of the Board from 10 a.m. to 4 p.m. on such days, other than Saturdays, as the office of the Board is open for the transaction of business. Any person shall be entitled to be supplied with a copy of the register on payment of a fee of such amount as may be approved by the Ministry, or to take extracts therefrom for his own use free of charge. The Board shall be under no liability in respect of error or omission in any such copy or for any delay in supplying any such copy, nor shall any election be invalid because of any such error, omission or delay.

21. The Board may exempt from registration such producers or groups, classes or descriptions of producers as they may from time to time determine.

22. The Board on being satisfied that a person has ceased to be a producer or is exempt from registration shall remove his name from the register, provided that the name of a person shall not by reason only that he is exempt from registration be removed from the register without his consent.

23. For the purposes of this Scheme the person who first sells or otherwise disposes of herbage seed after harvesting shall be deemed to be the producer of that seed.

PART IV

ELECTIONS

24. This Part shall apply to the election of members for the purposes of Part II.

25.—(1) The Ministry shall publish in such manner as it shall think fit notice of the election, the address at which the Ministry is prepared to receive nominations and the time and date up to which the Ministry is prepared to accept nominations (hereinafter referred to as "the closing date for nominations").

(2) The period between the publication as aforesaid and the closing date for nominations shall be not less than fifteen days.

(3) The closing date for nominations shall be not later than the first Monday in March in the year in which the election is to be held.

26.—(1) No person shall be eligible for election as a member of the Board unless he has been duly nominated in accordance with the provisions of this paragraph.

(2) A candidate for election shall be nominated in writing by two registered producers as proposer and seconder and by at least twelve other registered producers as assenting to the nomination.

(3) The proposers, seconders and assenters must be registered in the register of producers at the 31st day of December in the year preceding the year in which the election is to be held.

(4) Each nomination shall be accompanied by an assent signed by the candidate that he is willing to act if elected.

(5) The proposal, seconding or assenting by a registered producer being a corporation aggregate may be signed by a member of the Board of Directors or other governing body of the corporation or by its secretary or other permanent officer and the proposal, seconding or assenting by a registered producer being a partnership may be signed by one of the partners.

27. A candidate may withdraw his candidature by lodging with the Ministry by registered post not later than seven days after the closing date for nominations, a notice in writing of such withdrawal signed by him.

28.—(1) Where the number of candidates nominated for election is equal to, or less than, the number of vacancies the Ministry shall declare the candidate or candidates, as the case may be, duly elected.

(2) Where the number of candidates nominated for election exceeds the number of vacancies the Ministry shall hold an election as provided for in the next succeeding paragraph.

29.—(1) Not later than the third Monday in April in the year in which an election is due to be held, the Ministry shall send a voting paper to every producer who is entitled to vote in accordance with Paragraph 4(2) and whose name appeared at the 31st day of December in the preceding year in the register of producers.

(2) The voting paper shall specify the time and date by which it must be received by the Ministry and a voting paper shall not be counted by the Ministry unless it is sufficiently completed and posted so as to reach the Ministry not later than the specified time and date.

(3) A voting paper shall not be deemed to be sufficiently completed if the voter purports to vote for more candidates than there are vacancies or if the voting paper is not signed by the registered producer.

(4) The voting paper of a registered producer being a corporation aggregate may be signed by a member of the Board of Directors or other governing body of the corporation or by its secretary or other permanent officer and the voting paper of a registered producer being a partnership may be signed by one of the partners.

(5) The Ministry shall appoint such person as it thinks fit to count the votes and to give to the Board not later than the second Monday in May in the year in which an election is held, a certificate stating the result of the election and declaring to be elected the candidate or those candidates (as the case may require) who receive the most votes.

(6) A certificate given under the preceding sub-paragraph shall be final and conclusive evidence of the facts stated therein and of the result of the election.

(7) The result of an election shall be published by the Ministry in such manner as it thinks fit as soon as possible after the result of the election has been declared.

PART V

FINANCIAL PROVISIONS

30. All payments to registered producers for herbage seed sold by them to or through the agency of the Board shall be made by the Board to the registered producers and all payments for herbage seed or herbage seed sold by or through the agency of the Board shall be made to the Board.

31.—(1) The Board shall establish a fund which shall be administered and controlled by the Board. All monies received by the Board whether from the sale of herbage seed or from any other source shall be paid into the fund and any monies required by the Board either for the operation of the Scheme or for any grant which the Board are empowered to make or otherwise for the purposes of the Act in its application to this Scheme shall be paid out of the fund. Any monies for the time being standing to the credit of the fund may be left on current or deposit account in any bank or invested but save as provided in sub-paragraph (2) shall not be invested otherwise than in any securities in which a trustee might lawfully invest trust monies under the powers of the Trustee Acts (Northern Ireland) 1958 and 1962, as extended or amended by any enactment for the time being in force in Northern Ireland.

(2) Subject to the approval of the Ministry the Board may in the exercise of their powers under Paragraph 36 invest money by way of loan or mortgage, purchase of shares or otherwise in any business undertaking engaged in the cleaning of herbage seed or in the production of animal foods containing herbage seed or seed cleanings whether ground or otherwise.

(3) The Board may, for the purpose of exercising any of their functions under this Scheme, borrow money in such manner, on such terms and on such security as may be arranged by them with the person from whom the money is borrowed.

(4) The Board may accept from any other person any grant to be applied for any of the purposes for which the Board are empowered to spend money. The Board may agree with the person proposing to make a loan or grant as the case may be, and, in the case of a loan, with any person proposing to guarantee the repayment thereof, that if the loan or grant is duly made and the guarantee duly given, the Board will apply the money obtained by them by means of the loan or grant subject to such conditions (including conditions as to the persons on whose advice the Board are to act in applying the said money) as may be specified in the agreement.

(5) Where in pursuance of sub-paragraph (4) the Board enters into any agreement it shall be the duty of the Board to carry such agreement into effect.

32.—(1) The Board shall keep proper accounts and in particular shall keep a separate Administrative Account and a separate Trading Account and shall annually make out a Balance Sheet and either a Profit and Loss Account or if the Board do not trade for profit an Income and Expenditure Account, and shall cause them to be audited by a member of an Institute of Chartered Accountants or of the Association of Certified and Corporate Accountants, and as soon as may be after the auditor has reported thereon and in any case

within six months of the close of the period covered by the Profit and Loss or Income and Expenditure Account, shall send to the Ministry and to every registered producer a copy thereof and of the report of the auditor thereon, and also a report by the Board as to the working of this Scheme in the period covered by the Profit and Loss or Income and Expenditure Account which report shall include a statement of the manner in which monies are invested.

(2) If and so long as the Board are under any financial liability to the Ministry of Finance, the audited accounts of the Board, together with such information in relation thereto as the Ministry of Finance may require, shall be furnished to that Ministry.

(3) The Board shall, on the demand of any person and on payment by him of a fee of two shillings, furnish to him a copy of their last published accounts.

33.—(1) The Board may from time to time set aside to reserve such sums as they think fit and may utilise such reserves for the operation of the Scheme at such times and in such manner as they may determine.

(2) If the Board are at any time of opinion that the amounts set aside to reserve are more than required for the operation of the Scheme such sum as the Board may think fit shall be distributed among registered producers in such manner as the Board consider equitable and practicable.

34.—(1) As soon as may be in relation to any accounting period the Board shall estimate the amount they expect to receive during that accounting period from the sale of herbage seed or from any other source, and shall deduct from that amount the amount they estimate will be required to pay all their expenses, losses and outgoings of whatever nature attributable to that period and the amount (if any) to be set aside to reserve. The resultant amount, or such greater or lesser amount as (having regard to the extent that the Board may have overestimated or underestimated the amounts as aforesaid) may be available, shall be distributed among those registered producers who sold herbage seed to the Board during that period in such proportion, in such manner and on such occasions as the Board shall from time to time determine. Provided, however, that the Board may offset against any money distributable to any registered producer the amount of any contribution or levy or other monies due by him to the Board.

(2) The Board may if they so determine pay on account to any registered producer a portion of the amount which the Board estimate that he will receive for the sale of herbage seed to the Board.

PART VI

PRODUCERS' LIABILITIES TO PAY CONTRIBUTIONS AND LEVIES

35.—(1) Contributions—

(*a*) A producer shall pay to the Board such contribution as the Board may with the approval of the Ministry from time to time determine to be necessary for the operation of the Scheme or otherwise for the purposes of the Act.

(*b*) The Board shall assess contributions by reference to either:—

(i) transactions in herbage seed over such period as the Board with the approval of the Ministry may determine; or

(ii) the area of land from which a producer has harvested a crop of herbage seed in any specified year or years.

(*c*) Any contributions to defray the cost of any capital expenditure incurred by the Board shall be assessed separately from contributions to defray the cost of any other expenditure or expenses of the Board.

(*d*) The Board shall exempt from the payment of contributions under the Scheme such classes of producers, being producers exempted from registration under the Scheme as the Ministry may determine.

(2) Levies—the Board shall in accordance with any Order made by the Ministry under the Act impose levies on producers or any class thereof—

(*a*) for the purpose of securing that the provisions of the Scheme operate equitably as between all classes of producers; or

(*b*) for the purpose of covering any loss which the Board have sustained in trading under the Scheme.

PART VII

GENERAL POWER TO REGULATE MARKETING

36. The Board may—

(1) buy, sell and subject to any Regulations made under the Act grade, pack, store, insure, advertise, promote the sale of and transport herbage seed so however that it shall be a condition of any sale by the Board that the ownership of the herbage seed sold by the Board shall pass in Northern Ireland;

(2) subject to any Regulations made under the Act adapt herbage seed for sale by processes other than cleaning;

(3) determine from time to time—

(*a*) the description of herbage seed which may be sold by any producer;

(*b*) the price at, below or above which, the terms on which, and the persons to, or through the agency of whom herbage seed may be sold by any producer;

(4) require registered producers to sell herbage seed only to or through the agency of the Board;

(5) from time to time determine, in such manner as the Board may with the approval of the Ministry prescribe, the quantity of herbage seed which may be sold by any producer;

(6) buy or rent or take on hire and sell or let for hire to registered producers or others anything required for the production, adaptation for sale, or sale of herbage seed;

(7) co-operate with any other person in doing anything which the Board are empowered to do by virtue of sub-paragraphs (1), (2), (6) and (11) of this paragraph;

(8) encourage, promote or conduct agricultural co-operation among producers of herbage seed or research and education in connection with the production and marketing of herbage seed;

(9) lend or grant money to any other Board administering a Scheme under the Act for any purpose which in the opinion of the Board is calculated to operate to the benefit of registered producers under this Scheme;

(10) make payments to any persons in respect of the performance by them of such functions in relation to herbage seed as in the opinion of the Board are calculated to assist in the efficient distribution or use of herbage seed and enter into agreements with any such persons as to the terms and conditions on which such payments shall be made;

(11) (*a*) appoint agents to clean herbage seed on its behalf;

(*b*) to such extent as may be approved by the Ministry itself engage in the cleaning of herbage seed;

(12) do all such other things as are incidental to or consequential on the powers conferred on the Board by the provisions of this Scheme or the Act.

37. Subject to the provisions of the Act with respect to existing contracts and to the provisions of the Scheme, a producer who is neither registered nor exempt from registration shall not sell any herbage seed.

Part VIII

Prescribed Contracts

38. Without prejudice to the generality of the powers conferred on the Board by the provisions of this Scheme, the Board may from time to time prescribe all the terms on which and the form in which contracts for the sale of herbage seed by registered producers to or through the agency of the Board and for the sale of herbage seed by the Board to merchants shall be made, and without prejudice to the power of the Board to prescribe any other terms, the Board may prescribe all or any of the matters following as terms of any such contracts:—

(1) such terms as the Board may deem necessary for securing that the merchant shall not use or re-sell the herbage seed for any purposes other than those specified in the contract;

(2) the prices at, below or above which or the method of arriving at the prices at which herbage seed may be sold by the Board and such prices—

(*a*) may vary in accordance with the purposes for which the merchant agrees to use or re-sell herbage seed;

(*b*) may vary in accordance with the description, quality or condition of the herbage seed;

(3) in the case of a contract between the Board and a registered producer—

(*a*) that the registered producer shall give to the Board a warranty as to the variety and quality of the herbage seed;

(*b*) that the registered producer shall indemnify the Board against all loss arising through delivery by the registered producer of herbage seed not in accordance with that warranty;

(*c*) that the Board or the person to whom the Board may have sold the herbage seed shall have the right to reject the herbage seed if it is unsuitable for cleaning for sale for sowing;

(*d*) that the Board shall not lose their right to reject herbage seed by reason of their having purported to sell the seed.

PART IX

CONSULTATION WITH REPRESENTATIVES OF MERCHANTS

39.—(1) As soon as possible after the coming into force of this Scheme there shall be established a committee (hereinafter called "the Joint Advisory Committee") which shall consist of three members appointed by the Board and three members appointed by the Minister from a list of nominations supplied by the body established by merchants and commonly known as the Irish Wholesale Ryegrass Machiners' Association; provided that if in the opinion of the Minister that body has ceased to exist or has ceased to represent the views of merchants, such last-mentioned members shall be appointed from a list of nominations supplied by such other body or bodies as appear to the Minister to represent for the time being the views of merchants.

(2) The Board shall consult the Joint Advisory Committee as to:—

(*a*) the form of contract on which herbage seed shall be sold by the Board;

(*b*) the persons to or through the agency of whom herbage seed may be sold by the Board; and

(*c*) rates of remuneration in respect of the collection, handling, storing, drying, cleaning and selling of herbage seed.

(3) Questions arising at any meeting of the Joint Advisory Committee relating to any matter specified in sub-paragraph (2) shall be decided by resolution upon which the members appointed by the Board and the members appointed by the Minister shall each collectively have one vote. The Committee shall not be taken to have agreed unless both such votes have been cast in the same direction. If the Joint Advisory Committee are unable to agree on any of the aforesaid matters then the matter in dispute shall be referred to the arbitration of a single arbitrator to be agreed upon between the parties in accordance with the provisions of the Arbitration Act (Northern Ireland) 1937, and the award of such arbitrator shall be deemed to be the recommendation of the Joint Advisory Committee.

(4) The Board shall consult the Joint Advisory Committee as to:—

(*a*) the description of herbage seed; and

(*b*) the prices at, below or above which the Board may buy herbage seed; and

(*c*) the current prices at which herbage seed is passing in trade; and

(*d*) major changes of policy relating to the production and marketing of herbage seed.

(5) The Board may, and on the request of three members shall, consult the Joint Advisory Committee on matters not specified in the preceding sub-paragraphs of this paragraph, being matters relating to the production and marketing of herbage seed.

PART X

EXEMPTIONS

40.—(1) The Ministry may issue to producers licences in respect of herbage seed which in the opinion of the Ministry is produced for the purpose of experiment or research and during the period of validity of such a licence

herbage seed specified in the licence shall be exempt from the provisions of paragraph 36(1), (2), (3), (4) and (5) and paragraphs 37, 41, 42, 43 and 44 of this Scheme.

(2) Licences issued under the preceding sub-paragraph—

(*a*) shall be valid for such period and subject to such conditions as may be specified in the licence;

(*b*) may be revoked by the Ministry by reason of the contravention by the holder of the licence of any condition of the licence.

(3) The Ministry may from time to time amend the conditions specified in a licence issued under sub-paragraph (1) but no such amendment shall have effect unless and until it has been brought to the notice of the holder of the licence.

PART XI

PENALTIES

41. Subject to the provisions of the Act the Board shall impose on and recover from, any registered producer who contravenes any provision contained in sub-paragraphs (3), (4) and (5) of Paragraph 36 and in Paragraphs 42 and 44 of the Scheme, such monetary penalty, not exceeding £100, as the Board may decide.

PART XII

MISCELLANEOUS

42.—(1) The Board may whenever they consider it necessary for the operation of the Scheme so to do serve on any registered producer a demand in writing requiring him to furnish to them such estimates, returns and other information relating to herbage seed as the Board may with the approval of the Ministry determine.

(2) Without prejudice to the generality of the preceding sub-paragraph, the Board may from time to time require any producer who sells herbage seed to send to the Board within such time as the Board may specify such written particulars of his sales as the Board may consider necessary for the operation of the Scheme.

43. Any power conferred by this Scheme on the Board in relation to herbage seed may be exercised either in relation to all herbage seed or in relation to all such seed subject to specified exceptions or in relation to any specified description of such seed and the Board may make the same provisions for all descriptions of such seed in relation to which the power is exercised or different provisions for different descriptions or different provisions as respects the same descriptions in different circumstances.

44.—(1) Any person authorised in writing by the Board may, for the purpose of securing compliance with the Scheme, enter and inspect at any reasonable time, and on production of his authority, any part of the land or premises occupied by a registered producer being a producer specified in the authority which the person so authorised has reason to believe is used for producing herbage seed or for doing either of the following things which is for the time being regulated under the Scheme, and that is to say packing and storing herbage seed.

(2) A registered producer shall permit such entry and inspection as aforesaid.

45. Part IX of the Companies Act (Northern Ireland) 1960 (which relates to the winding up of unregistered companies) shall apply in relation to the Board, subject to the modifications set out in the Second Schedule to the Act.

46.—(1) Any producer who is aggrieved by any act or omission of the Board other than an act or omission relating to the grading of herbage seed or any act or omission of the Board in carrying into effect any agreement entered into in pursuance of Paragraph 31(4) may refer the matter to the arbitration of a single arbitrator to be agreed upon by such producer and the Board or, in default of agreement, to be nominated by the Minister.

(2) An arbitrator agreed upon or nominated as aforesaid shall have power to make such order in the matter as he thinks just and the provisions of the Arbitration Act (Northern Ireland) 1937 shall apply to any such arbitration.

47. Any requirement of this Scheme that a document shall be sent to or served on a person by the Board or the Ministry shall be deemed to have been complied with if within the period (if any) limited for the sending or service of the document, the document is despatched to such person by post, properly addressed and with the postage prepaid.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

By this Order the Ministry of Agriculture approves the Herbage Seed Marketing Scheme (Northern Ireland) 1964 and brings it into force on the 15th June, 1964.

The principal matters provided for by the Scheme are—

(1) the constitution of a Board to administer the Scheme;

(2) registration of producers;

(3) the procedure for electing members of the Board;

(4) financial provisions;

(5) the liability of producers to pay contributions and levies to the Board;

(6) powers of the Board to regulate the marketing of herbage seed; and

(7) the consultation between the Board and representatives of merchants.