CHAPTER 21

An Act to increase the amount of wages excepted from arrestment under the Wages Arrestment Limitation (Scotland) Act, 1870. [22nd March, 1960]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 33 & 34 Vict. c. 63, s. 2. 14 & 15 Geo. 5. c. 16.

1. Section two of the Wages Arrestment Limitation (Scotland) Act, 1870 (which, as amended by section two of the Small Debt (Scotland) Act, 1924, limits the liability of wages to arrestment to so much thereof as exceeds thirty-five shillings per week) shall have effect as if for the words "thirty-five shillings per week" there were substituted the words "four pounds per week, one half of".

Citation and commencement.

2.—(1) This Act may be cited as the Wages Arrestment Limitation (Amendment) (Scotland) Act, 1960.

(2) This Act shall come into force on the expiration of a period of one month beginning with the date on which it is passed.

CHAPTER 22

Horticulture Act, 1960

ARRANGEMENT OF SECTIONS

PART I

GRANTS FOR HORTICULTURAL IMPROVEMENTS

Section
1. Grants for horticultural improvements.
2. Supplemental provisions as to schemes.
3. Standard costs.
4. Other grants for promoting co-operative horticultural marketing.
5. Aggregate amount of grants, and time for application therefor.
6. Ministers on whom Part I powers conferred.
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PART II

HORTICULTURAL MARKETING

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GENERAL

Section
20. Extension of time under 16 & 17 Geo. 5. c. 39, s. 2, for requiring production of books, etc.
21. Expenses and receipts.
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SCHEDULES:
First Schedule—Provisions as to Corporations constituted under Part II and Members.
Second Schedule—Horticultural Marketing Council Charges Scheme.

An Act to make provision for assisting the production and marketing of horticultural produce.

[22nd March, 1960]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

GRANTS FOR HORTICULTURAL IMPROVEMENTS

Grants for horticultural improvements.

1.—(1) Subject to the provisions of this Part of this Act, the appropriate Minister may, in accordance with a scheme made by him with the approval of the Treasury, make—

(*a*) to the person carrying on a horticultural production business,

(*b*) to the landlord of land in England or Wales occupied for the purposes of such a business and being or comprised in an agricultural holding within the meaning of the Agricultural Holdings Act, 1948, or land in Scotland so occupied and being or comprised in an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1949, a holding to which any of the provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, apply or a croft within the meaning of the Crofters (Scotland) Act, 1955,

a grant of an amount equal to one-third of the amount of expenditure reasonably incurred by him in the carrying out of approved proposals for the provision of specified facilities for the purposes of the business.

PART I

(2) Subject to the provisions of this Part of this Act, the appropriate Minister may, in accordance with such a scheme as aforesaid, make to the person carrying on a horticultural producers' marketing business a grant of an amount equal to one-third of the amount of expenditure reasonably incurred by him in the carrying out of approved proposals for the provision of specified facilities for the storage, preparation for market or transport of horticultural produce in the course of the business.

(3) References in this Part of this Act to the provision of specified facilities are references to the provision or improvement of buildings, plant or equipment of a kind specified in the scheme, or the carrying out of work of a kind so specified, and include, in so far as the scheme so provides, the provision of shelter belts and the provision as well as the removal of hedges.

(4) In this section "approved proposals" means proposals approved by the appropriate Minister, and without prejudice to any other grounds for withholding approval the Minister shall not under this section approve any proposals unless he is satisfied that the cost of carrying them out will not be unreasonably high in relation to the benefit derived from them in the carrying on of the business mentioned in subsection (1) or subsection (2) of this section, as the case may be.

(5) Where the applicant satisfies the appropriate Minister, at any time before that Minister has determined whether to approve his proposals, that the cost of the proposals has been increased by their being designed both for the provision of specified facilities as mentioned in subsection (1) or (2) of this section and for other purposes, and agrees with the Minister what proportion of the cost is to be treated as referable to the provision of specified facilities as aforesaid, then—

(*a*) regard shall be had only to that proportion of the cost for the purposes of the foregoing subsection, and

(*b*) in relation to those proposals references in this Part of this Act to expenditure reasonably incurred in carrying them out, or expenditure in respect of which grant would be payable, shall be construed as references to that proportion of such expenditure.

(6) The appropriate Minister may reduce or withhold any grant under this section in any case where assistance in respect of the provision of the facilities is given under any other Act of Parliament.

(7) A scheme under this section (in this Part of this Act referred to as "a scheme") may be made for England and Wales, for Scotland, for Northern Ireland, or for any two or all of those parts of the United Kingdom jointly.

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Supplemental provisions as to schemes.

2.—(1) Grants under the foregoing section (in this section referred to as " grants ") shall not be payable unless application is made therefor in accordance with the scheme, and a scheme may provide that no grant shall be payable on any one application if the expenditure in respect of which the grant would be payable, as estimated by the appropriate Minister at the time of approval, is less than such amount as may be specified in the scheme.

(2) A scheme may provide that in such cases as may be specified therein grants shall be payable by such instalments and over such period as may be specified in the scheme.

(3) A scheme may provide that the payment of grants, or of instalments of grants, shall be subject to compliance with such conditions, whether as to the capacity of the business, determined in accordance with the scheme, the security of tenure of the land on which any facilities are to be provided, the carrying out of the proposals in question in a proper manner and within a reasonable time, or any other matter, as may be specified by or under the scheme.

(4) Where any such condition as to capacity is framed by reference to land occupied for the purposes of a horticultural production business, the scheme may provide that if there is any land so occupied which is not eligible to be taken into account in ascertaining whether the condition is satisfied,—

(*a*) in so far as the benefit to be derived from any proposals is attributable to that land, it shall be disregarded for the purposes of subsection (4) of the foregoing section;

(*b*) where the applicant satisfies the appropriate Minister, at any time before that Minister has determined whether to approve his proposals, that the cost of the proposals has been increased by their being designed for the provision of specified facilities both for the said land and for land which is eligible to be taken into account as aforesaid, and agrees with the Minister what proportion of the cost is to be treated as referable to the eligible land, paragraphs (*a*) and (*b*) of subsection (5) of the foregoing section shall apply in relation to that proportion.

(5) A scheme may contain such incidental and supplemental provisions as appear to the appropriate Minister expedient for the purposes of the scheme.

(6) A scheme may make different provisions for different cases or classes of case.

(7) A scheme may be varied or revoked by a subsequent scheme.

PART I

Standard costs.

3. The appropriate Minister may, with the approval of the Treasury, by regulations fix a standard cost for any operation falling within subsection (1) or (2) of section one of this Act; and if an applicant for a grant under that section in respect of an operation specified in the regulations so elects at any time before the appropriate Minister has determined whether to approve his proposals, and his proposals are approved while the regulations are in force, then so far as that operation is concerned the standard cost shall be substituted for actual or estimated cost for the purposes of subsections (1) or (2) and (4) of section one and subsection (1) of section two of this Act.

Other grants for promoting co-operative horticultural marketing.

4. The appropriate Minister may, in such manner and subject to such conditions as he may with the approval of the Treasury determine, make grants to bodies of persons engaged or proposing to become engaged in organising, promoting or developing the carrying on of horticultural producers' marketing businesses towards their expenditure incurred in the carrying out of programmes, approved by the appropriate Minister, for encouraging or facilitating the setting up of such businesses or promoting efficiency in the carrying on thereof.

Aggregate amount of grants, and time for application therefor.

5.—(1) The aggregate amount of the grants under this Part of this Act shall not exceed eight million pounds or, if the Minister of Agriculture, Fisheries and Food and the Secretary of State by order made with the approval of the Treasury so direct, eight million two hundred and fifty thousand pounds.

(2) The aggregate amount of the grants under the foregoing section shall not exceed one hundred thousand pounds.

(3) No grant shall be payable under section one of this Act unless the application therefor has been duly made before the expiration of five years from the earliest date on which a scheme was in operation:

Provided that the Minister of Agriculture, Fisheries and Food and the Secretary of State may by order made with the approval of the Treasury extend the said period by one year.

(4) No grant shall be payable under the foregoing section unless the date on which the programme was submitted to the appropriate Minister for his approval fell before the expiration of six years from the coming into operation of that section.

Ministers on whom Part I powers conferred.

6.—(1) In relation to the making of a scheme or regulations for the whole of the United Kingdom, or for Scotland and any other part of the United Kingdom jointly, references in this Part of this Act to the appropriate Minister are references to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly.

(2) In relation to the making of a scheme or regulations for Scotland only, references in this Part of this Act to the appropriate Minister are references to the Secretary of State.

(3) In relation to the making of any other scheme or regulations, references in this Part of this Act to the appropriate Minister are references to the Minister of Agriculture, Fisheries and Food.

(4) Subject to the foregoing provisions of this section, in this Part of this Act " the appropriate Minister " means the Minister of Agriculture, Fisheries and Food in relation to England or Wales or Northern Ireland and the Secretary of State in relation to Scotland.

Schemes, regulations and orders under Part I.

7.—(1) Any power conferred by this Part of this Act to make schemes, regulations or orders shall be exercisable by statutory instrument.

(2) No scheme shall be made unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

(3) No order under this Part of this Act shall be made unless a draft thereof has been laid before Parliament and approved by a resolution of the Commons House of Parliament.

(4) Any statutory instrument containing regulations under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation of Part I.

8.—(1) In this Part of this Act " horticultural produce " means—

(*a*) fruit,

(*b*) vegetables of a kind grown for human consumption, including fungi, but not including maincrop potatoes or peas grown for seed, for harvesting dry or for vining,

(*c*) flowers, pot plants and decorative foliage,

(*d*) herbs,

(*e*) seeds other than pea seeds, and bulbs and other material, being seeds, bulbs or material for sowing or planting for the production of fruit, of such vegetables, flowers, plants or foliage as aforesaid, or of herbs, or for reproduction of the seeds, bulbs or other material planted, or

(*f*) trees and shrubs, other than trees grown for the purpose of afforestation ;

but does not include hops.

(2) In this Part of this Act " horticultural production business " means a business which consists, or so much of a larger business

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as consists, of the growing in the United Kingdom of horticultural produce for sale or the growing of produce as aforesaid and its storage, preparation for market or transport.

(3) In this Part of this Act " horticultural producers' marketing business " means a business—

(*a*) carried on by a co-operative association and consisting of, or so much of a larger business so carried on as consists of, the storage, preparation for market or marketing of horticultural produce produced in the course of horticultural production businesses by members of the association, or

(*b*) carried on by the Land Settlement Association Limited and consisting of, or so much of a larger business so carried on as consists of, the storage, preparation for market or marketing of horticultural produce produced in the course of horticultural production businesses by occupiers of land under the management of the Association.

(4) In the foregoing subsection " co-operative association " means any body—

(*a*) which is registered under the Industrial and Provident Societies Acts, 1893 to 1954, or the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955, or

(*b*) which (whether incorporated or not) has a written constitution from which the appropriate Minister is satisfied, having regard to the provision made as to the manner in which the profits of the body are to be applied for the benefit of its members and all other relevant provisions, that the body is in substance a co-operative association,

being (in either case) a body whose primary object, so far as concerns the storage, preparation for market, or marketing of horticultural produce, is to assist members in the carrying on of horticultural production businesses.

(5) In this Part of this Act " preparation for market " does not include canning, bottling, pulping or cooking, or preserving by sterilising, by freezing, by de-hydrating, by heat or by chemical process.

PART II

HORTICULTURAL MARKETING

The Horticultural Marketing Council.

9.—(1) There shall be a council, to be called the Horticultural Marketing Council, which shall be a body corporate by that name with perpetual succession and a common seal and power to hold land without licence in mortmain, and shall be charged with the exercise, for the purpose of improving the marketing

and distribution of, and developing the trade in, horticultural produce in Great Britain, of the functions specified in subsection (1) of the next following section. PART II

(2) The Council shall consist of twenty-eight members appointed by the Ministers, of whom—

(*a*) four shall be persons who in the opinion of the Ministers have no substantial financial interest in any business directly connected with the production, importation, marketing or distribution of horticultural produce and have special knowledge or experience which will be of value in the exercise of the Council's functions;

(*b*) seven shall be persons appointed as capable of representing the interests of producers;

(*c*) seven shall be persons appointed as capable of representing the interests of importers and wholesalers of horticultural produce;

(*d*) seven shall be persons appointed as capable of representing the interests of retailers of horticultural produce;

(*e*) three shall be persons appointed as capable of representing the interests of workers employed in the production for sale of home-grown produce or in the marketing or distribution in Great Britain of horticultural produce.

(3) Before appointing any member of the Council other than one to be appointed under paragraph (*a*) of the foregoing subsection, the Ministers shall consult with any bodies appearing to them to represent to any substantial extent the interests in respect of which the member is to be appointed.

(4) The Ministers shall from time to time designate, from among the members of the Council appointed under paragraph (*a*) of subsection (2) of this section, a chairman and a deputy chairman of the Council.

(5) Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies bodies of which the members are disqualified under that Act) shall have effect in its application to the House of Commons of the Parliament of the United Kingdom with the insertion after the entry relating to the Herring Industry Board of the words—

" The Horticultural Marketing Council ".

(6) The Ministers may, after consultation with—

(*a*) the Council, and

(*b*) any bodies appearing to the Ministers to represent to any substantial extent the interests in respect of which members are or are proposed to be appointed to the Council,

PART II

by order made by statutory instrument vary the provisions of subsection (2) of this section by altering the number of members of the Council of any description, by adding to the Council such number of members of such description as may be specified in the order, or by altering or deleting any description of members added under this subsection:

Provided that no order shall be made under this subsection unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

(7) The provisions in that behalf of the First Schedule to this Act shall have effect in relation to the Council and its members.

Functions of Council.

10.—(1) The functions of the Council referred to in subsection (1) of the foregoing section are:—

(*a*) obtaining and disseminating, or assisting the obtaining and disseminating of, information about supply, demand and prices;

(*b*) promoting, assisting or undertaking research into demand, actual or potential, including research into the practicability of any process which would create demand;

(*c*) promoting, assisting or undertaking research into questions relating to the transport, storage and preparation for market of produce and the transport and storage of containers;

(*d*) formulating standards for produce or containers, and encouraging or assisting the adoption of standards therefor;

(*e*) obtaining and disseminating information about, and promoting, assisting or undertaking research into, improved methods (including equipment) for use in preparation for market, marketing or distribution, and encouraging or assisting their adoption;

(*f*) advising on the lay-out of wholesale markets and the facilities to be provided in the operation thereof, and encouraging the adoption of improved lay-outs and facilities;

(*g*) promoting, assisting or undertaking arrangements for stimulating the consumption of horticultural produce generally or by particular sections of the community;

(*h*) undertaking the certification of produce or of articles of any description, the registration of certification trade-marks and the functions of proprietors of such marks;

(*i*) encouraging and developing proposals for co-ordinating the activities of producers, importers and distributors;

(*j*) advising the Ministers or either of them on questions as to the exercise of their or his powers and duties relating to the marketing and distribution of horticultural produce,

and, subject to the consent of the Ministers, shall include any other functions which the Council may determine to be expedient to be exercised for the purpose specified in subsection (1) of the foregoing section:

Provided that, except by way of experiment or demonstration, the Council shall not carry on any trade or business or provide markets or other facilities for buying or selling produce.

(2) The Council shall not exercise its functions under paragraph (*f*) of the foregoing subsection except after consultation with a committee appointed by the Council and consisting of—

(*a*) five persons being members of the Council,

(*b*) five persons appointed, after consultation with any bodies appearing to the Council to represent wholesale-market authorities, as representing such authorities,

(*c*) such number of other persons as the Council may determine,

and the expenses of the committee (including the cost of such allowances to its members, not being members of the Council, as the Ministers may with the approval of the Treasury determine) shall be defrayed by the Council.

Provisions for meeting expenses of Council.

11.—(1) The Council may in order to enable it to meet its expenses make and submit to the Ministers a scheme for imposing such charges as may be specified in the scheme; and the scheme shall provide for the determination by arbitration of questions as to the amount of any person's liability under the scheme.

(2) The provisions of the Second Schedule to this Act shall have effect in relation to any scheme under this section.

(3) A scheme under this section shall have effect when confirmed by an order made by the Ministers by statutory instrument; but no order shall be made under this subsection unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

(4) Any scheme under this section may be varied or revoked by a subsequent scheme made, submitted and confirmed in the like manner and subject to the like provisions.

(5) During the period of three years beginning with the commencement of this Part of this Act the Ministers may with the consent of the Treasury make contributions to the Council of amounts not exceeding two hundred and fifty thousand pounds

PART II

in all; but contributions under this subsection may be made subject to any conditions regulating or restricting the functions of the Council, imposing requirements as to inspection of accounts and records, or relating to other matters, which the Ministers may specify, and the Ministers may recover the whole or any part of a contribution made subject to any condition if that condition is not complied with.

(6) The Council shall so exercise its powers under this section that a scheme shall be made and submitted before the end of the period specified in the foregoing subsection.

Offences in relation to schemes.

12.—(1) Any person who fails to comply with any requirement imposed by or under a scheme under the foregoing section as to registration or the keeping of records or the furnishing of information (including the production of books or other documents) shall be guilty of an offence.

(2) Any person who—

(*a*) in furnishing any information for the purposes of any such scheme as aforesaid makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or

(*b*) wilfully makes a false entry in making any record which is required to be kept in pursuance of any such scheme, or in pursuance of any such scheme produces a document which he knows to contain an entry which is false in a material particular or recklessly produces a document which contains an entry which is false in a material particular,

shall be guilty of an offence.

(3) If any person discloses any information furnished to or obtained by him in pursuance of a requirement imposed by or under any such scheme as aforesaid, and the disclosure is made otherwise than—

(*a*) with the consent of the person by whom the information was furnished; or

(*b*) to a member or officer of the Council; or

(*c*) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to the business of individual persons to be ascertained therefrom; or

(*d*) for the purposes of any legal proceedings (whether civil or criminal and including arbitrations) arising out of this Part of this Act,

he shall be guilty of an offence.

(4) A person guilty of an offence under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds in the case of a first offence or one hundred pounds in the case of a second or subsequent offence, and a person guilty of any other offence under this section shall be liable—

(*a*) on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or both, or

(*b*) on conviction on indictment to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years or both.

Miscellaneous financial powers of Council.

13.—(1) Where in the exercise of its functions the Council renders any service to any person it may make such charges in respect thereof as may be agreed between it and that person.

(2) The Council may borrow money and mortgage or charge any of its property (including its income from the charges imposed by virtue of section eleven of this Act):

Provided that the powers conferred by this subsection shall not be exercisable until a scheme under the said section eleven has been confirmed.

(3) The Council shall have power to invest any of its money which is not for the time being required for any other purpose in any securities in which trustees may invest trust moneys under the powers conferred by section one of the Trustee Act, 1925, or, with the approval of the Ministers, in any other securities.

Report and accounts of Council.

14.—(1) As soon as may be after the end of each accounting period the Council shall prepare and submit to the Ministers a report on the discharge of its functions under this Act during that period, and the Ministers shall lay a copy of the report before each House of Parliament.

(2) The Council shall keep proper accounts and shall prepare in respect of each of its accounting periods statements of account in such form as the Ministers, with the approval of the Treasury, may direct; and the accounts of the Council for each accounting period shall be audited by auditors to be appointed by the Council.

(3) No person shall be qualified to be appointed auditor under the foregoing subsection unless he is a member of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants;

The Institute of Chartered Accountants of Scotland;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland;

PART II

Any other body of accountants established in the United Kingdom for the time being recognised for the purposes of paragraph (*a*) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(4) As soon as may be after the accounts of the Council have been audited, the auditors shall transmit to the Ministers copies of the statements of account together with their report thereon, and the Ministers shall lay a copy of the statements and report before each House of Parliament.

(5) Copies of reports and statements of account prepared by the Council under this section shall be made available to the public at a reasonable price.

(6) In this section "accounting period" means the period beginning with the establishment of the Council and ending with such date falling not more than twelve months later as the Council may determine, or any subsequent period of not more than fifteen months, beginning with the end of a previous accounting period, which the Council may appoint.

Special arrangements for home-grown produce.

15.—(1) If it appears to the Ministers, after consultation with any bodies appearing to them to represent to any substantial extent the interests of producers generally or of any description of producers, that it is expedient for promoting sales of home-grown produce and in the national interest that they should exercise their powers under this subsection, the Ministers may by order establish an organisation which shall have the functions of—

(*a*) promoting, assisting or undertaking arrangements for stimulating the consumption, generally or by particular sections of the community, of the produce for which the organisation is established;

(*b*) undertaking the certification of that produce, the registration of certification trade-marks and the functions of proprietors of such marks; and

(*c*) promoting, assisting or undertaking research into the demand (whether actual or potential) for that produce;

and the order shall provide for the incorporation of the organisation by such name as may be specified in the order, with perpetual succession and a common seal and power to hold land without licence in mortmain.

(2) An order under the foregoing subsection shall provide for the appointment by the Ministers of the members of the organisation, and—

(*a*) the number of the members shall not be less than seven nor more than twenty;

(*b*) of the members, one at least shall be a member of the Council appointed as capable of representing the interests of producers, and the remainder shall be persons appointed after consultation with any bodies appearing to the Ministers to represent to any substantial extent the interests of producers of the produce for which the organisation is established;

and the Ministers shall from time to time designate a chairman and a deputy chairman.

(3) If, after such consultation as is mentioned in subsection (1) of this section, it appears to the Ministers that it is expedient that they should exercise their powers under that subsection as respects a particular description of home-grown produce only, the Ministers may make an order under that subsection confined to that description of produce.

(4) An order under subsection (1) of this section may be varied—

(*a*) if made by virtue of the foregoing subsection, so as to extend the description of produce as respects which the organisation is constituted;

(*b*) in any case, so as to exclude from the operation of the order any description of produce:

Provided that no variation shall be made in pursuance of paragraph (*a*) of this subsection except after consultation with any bodies appearing to the Ministers to represent to any substantial extent the interests of producers generally or of any description of producers, and no variation shall be made in pursuance of paragraph (*b*) thereof except after consultation with any bodies appearing to the Ministers to represent to any substantial extent the interests of producers of the produce as respects which the organisation is constituted.

(5) The power to vary conferred by the foregoing subsection shall be exercisable by order made by the Ministers, and any such order may contain such consequential provisions as may be requisite for the purposes of the order, including provision for changing the name or composition of the organisation to which the order relates.

(6) Sections thirteen and fourteen of this Act shall apply in relation to an organisation established under this section as they apply in relation to the Council; and an order under subsection (1) of this section shall make in relation to the organisation constituted by the order the like provision as is made in relation to the Council by subsection (5) of section nine of this Act.

(7) The provisions in that behalf of the First Schedule to this Act shall have effect in relation to any organisation established under this section and its members.

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(8) Any power conferred by this section to make an order shall be exercisable by statutory instrument, and no such order shall be made unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

Provisions for defraying expenses under foregoing section.

16.—(1) The following provisions shall have effect for defraying the expenses of any organisation established under the foregoing section.

(2) The organisation may request the Council to make provision, in any scheme made or to be made by the Council under section eleven of this Act, for imposing additional charges for defraying the expenses of the organisation, being charges of such amounts as may be specified in the request; and the Council shall take the necessary steps for complying with the request.

(3) Subject to any provision of the scheme made in pursuance of paragraph 4 of the Second Schedule to this Act, the Council shall pay over to the organisation the proceeds of any charges imposed in pursuance of this section, less such deductions as may be provided by the scheme in respect of the cost of collection.

(4) The reference in subsection (2) of section thirteen of this Act to the income of the Council from charges shall not include a reference to income from charges imposed in pursuance of this section, but the property which the organisation may charge by virtue of the said subsection (2) shall include the organisation's income from those charges.

Dissolution of Council, etc.

17.—(1) If after such consultation as is hereinafter mentioned, it appears to the Ministers expedient so to do, they may by order dissolve the Council.

The consultation required before making an order under this subsection is with the Council and, if a scheme under section eleven of this Act has been confirmed, with any bodies appearing to the Ministers to represent to any substantial extent interests in respect of which members are appointed to the Council.

(2) If an organisation has been established under section fifteen of this Act, and after consultation with the organisation and with any bodies appearing to the Ministers to represent to any substantial extent the interests of the producers concerned, it appears to the Ministers expedient so to do, they may by order dissolve the organisation.

(3) The Ministers shall in an order under this section make such provision as appears to them requisite for—

(*a*) the winding up of the affairs of the Council or organisation,

(*b*) in the case of the Council, if a scheme under section eleven of this Act has been confirmed then for the imposition and recovery of charges for meeting the

liabilities of the Council and the expenses of the winding up, in so far as those liabilities and expenses cannot be met out of the assets of the Council, and for the application of any surplus assets for purposes specified in the order, being purposes connected with the production, marketing and distribution of horticultural produce, but if no such scheme has been confirmed then for the payment over of any such surplus assets to the Ministers;

(*c*) in the case of the organisation, for the imposition and recovery of charges for meeting the liabilities of the organisation and the expenses of the winding up, in so far as those liabilities and expenses cannot be met out of the assets of the organisation, and for the application of any surplus assets for purposes specified in the order, being purposes connected with the production, marketing and distribution of the produce for which the organisation stood established before the winding up.

(4) The power to make an order conferred by this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(5) So much of an order under this section as makes provision for the matters specified in subsection (3) of this section may be varied or revoked by a subsequent order of the Ministers under this section.

Interpretation of Part II.

18. In this Part of this Act:—

"the Council" means the Horticultural Marketing Council;

"home-grown produce" means horticultural produce grown in Great Britain;

"horticultural produce" means fresh fruit, not including nuts or dates, fresh vegetables, including fresh fungi, fresh herbs, cut flowers, pot plants and decorative foliage;

"the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State;

"preparation for market" does not include canning, bottling, pulping or cooking, or preserving by sterilising, by freezing, by de-hydrating, by heat or by chemical process;

"producers" means producers for sale of home-grown produce.

Commencement of Part II

19. This Part of this Act shall come into operation on such day as the Ministers may by order made by statutory instrument appoint.

PART III

GENERAL AND SUPPLEMENTARY

Extension of time under 16 & 17 Geo. 5, c. 39, s. 2, for requiring production of books, etc.

20. In section two of the Horticultural Produce (Sales on Commission) Act, 1926 (under which an owner or consignor has ten days in which to require the salesman to produce books and other documents for inspection), for the words " ten days " there shall be substituted the words " one month ".

Expenses and receipts.

21.—(1) The expenses of any Minister under this Act shall be defrayed out of moneys provided by Parliament.

(2) Any receipts of Ministers under Part II of this Act shall be paid into the Exchequer.

Short title.

22. This Act may be cited as the Horticulture Act, 1960.

SCHEDULES

Sections 9, 15.

FIRST SCHEDULE

PROVISIONS AS TO CORPORATIONS CONSTITUTED UNDER PART II AND MEMBERS

1. In this Schedule " the Corporation " means the Horticultural Marketing Council or any organisation established under section fifteen of this Act.

2. The Corporation may act notwithstanding a vacancy among its members, and no act of the Corporation shall be deemed to be invalid by reason only of a defect in the appointment of any of the members.

3. The Corporation may appoint such advisory committees as it thinks fit to consider such matters with which the Corporation may be concerned as it may specify and report thereon to the Corporation, and any such committee may comprise persons who are not members of the Corporation.

4.—(1) In the case of an equality of votes at any meeting of the Corporation the chairman of the meeting shall have a second or casting vote.

(2) Any application of the seal of the Corporation shall be authenticated by the signature of its chairman or of some member of the Corporation authorised by it to act on his behalf, and of the secretary or some person authorised by the Corporation to act on the secretary's behalf.

(3) Subject to the foregoing provisions of this Schedule, the Corporation may determine its own quorum and procedure and the quorum and procedure of its committees.

5.—(1) Each member of the Corporation shall hold and vacate office in accordance with the terms of his appointment; but notwithstanding anything in those terms he may at any time resign his office by notice in writing.

(2) A person who has held office as a member of the Corporation shall be eligible for reappointment.

6.—(1) The Corporation—

(*a*) shall pay to each of its members, in respect of his office as such, such remuneration (whether by way of salary or fees) and such allowances as the Ministers may, with the approval of the Treasury, determine in the case of that member;

(*b*) may pay to members of any advisory committee, not being members of the Corporation, such allowances as the Ministers may, with the approval of the Treasury, determine; and

(*c*) in the case of any such member of the Corporation as the Ministers may, with the approval of the Treasury, determine, shall pay such pensions or make such payments towards the provision of pensions to or in respect of him as the Ministers may, with the approval of the Treasury, determine.

(2) The Ministers shall, as soon as possible after the coming into operation of Part II of this Act, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable to the members of the Corporation under this paragraph; and if any subsequent determination by the Ministers under this paragraph involves any departure from the terms of the said statement or if a determination of the Ministers under this paragraph relates to the payment of, or to payments towards the provision of, a pension to or in respect of any member of the Corporation, the Ministers shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

7. A member of the Corporation shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation, disclose the nature of his interest at a meeting of the Corporation as soon as possible after the relevant circumstances have come to his knowledge; and—

(*a*) any disclosure made by a member under this paragraph shall be recorded in the minutes of the Corporation;

(*b*) the member shall not take part after the disclosure in any deliberation or decision of the Corporation with respect to the contract;

(*c*) the member shall be disregarded for the purpose of constituting a quorum of the Corporation for any such deliberation or decision.

8.—(1) The Corporation may appoint a secretary and such other officers and such servants as the Corporation may determine.

(2) The Corporation shall—

(*a*) pay to its officers and servants such remuneration as the Corporation may determine; and

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(*b*) as regards any officers or servants in whose case it may be determined by the Corporation with the approval of the Ministers so to do, pay to or in respect of those officers and servants such pensions, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

(3) Where any officer or servant employed by the Corporation, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Corporation, he may be treated for the purposes of the pension scheme as if his service as a member of the Corporation were service as an officer or servant employed by the Corporation, and his rights under the scheme shall not be affected by any provision of this Schedule which requires that pensions or payments towards the provision of pensions to be paid or made in the case of members of the Corporation shall be determined by the Ministers with the approval of the Treasury.

9. In this Schedule "pension", in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions, with or without interest thereon or any other addition thereto.

Sections 11, 16.

SECOND SCHEDULE

HORTICULTURAL MARKETING COUNCIL CHARGES SCHEME

1. A scheme may provide for the collection of the charges therein specified in such circumstances and from such persons or classes of persons, being producers or dealers, as may be so specified, and may make different provision for different cases.

2. A scheme may make provision for enabling any person from whom charges are collected under the scheme—

(*a*) to recover those charges, or such part thereof as may be specified in the scheme, from other persons so specified, being producers or dealers;

(*b*) to make from his payments to the Council deductions of an amount or at a rate so specified in respect of his expenses in recovering any such charges or part thereof from any such other person as aforesaid;

and as respects additional charges under section sixteen of this Act shall make provision for securing that the charges, in so far as not collected from producers, are ultimately borne by producers.

3. A scheme may, so far as is necessary for determining the liability of persons to charges thereunder, require or confer on the Council power to require producers or dealers—

(*a*) to be registered in a register kept for that purpose by the Council;

(*b*) to keep records and to furnish returns and other information, and to produce for examination on behalf of the Council books and other documents in their custody or under their control.

4. If—

(*a*) the Council proposes to make provision in a scheme whereby charges will be payable (directly or indirectly) by producers

who are for the time being registered producers under a scheme (hereinafter referred to as " a marketing scheme ") made or having effect as if made under Part I of the Agricultural Marketing Act, 1958, or

(*b*) the board administering a marketing scheme notify the Council that in consequence of the scheme persons will become registered producers who are producers by whom charges are payable (directly or indirectly) under a scheme under section eleven of this Act,

the Council shall so exercise its powers of making or varying the scheme under the said section eleven as to secure that there will be inserted in the scheme such provision for preventing double payments or protecting the revenues of the board administering the marketing scheme as may be agreed between the Council and the board or, in default of agreement, determined by the Ministers.

5. A scheme may contain such incidental and supplementary provisions as appear to the Council expedient for the purposes of the scheme.

6. In this Schedule " dealers " means persons (whether principals or agents) importing horticultural produce into Great Britain or selling it in Great Britain, but does not include producers.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Horticultural Produce (Sales on Commission) Act, 1926	16 & 17 Geo. 5. c. 39.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.
House of Commons Disqualification Act, 1957...	5 & 6 Eliz. 2. c. 20.
Agricultural Marketing Act, 1958	6 & 7 Eliz. 2. c. 47.