1955 No. 690

The Potato Marketing Scheme (Approval) Order, 1955

Made - - - - 5th May, 1955

Whereas the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland laid before each House of Parliament a draft of a Scheme, as set forth in the Schedule hereto, under the Agricultural Marketing Acts, 1931 to 1949(**a**), for regulating the marketing of potatoes produced in Great Britain:

And Whereas the House of Commons resolved on the third day of May, 1955, and the House of Lords resolved on the fourth day of May, 1955, that the said Scheme should be approved.

Now, therefore, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, in pursuance of sub-section (8) of Section 1 and sub-section (2) of Section 18 of the Agricultural Marketing Act, 1931(**b**), hereby make the following Order:—

1. This Order may be cited as the Potato Marketing Scheme (Approval) Order, 1955.

2. The said Scheme, which is hereby declared to be a substitutional scheme, is approved in the terms of the said draft.

3. The said Scheme shall come into force on the tenth day of May, 1955.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this fifth day of May, 1955.

(L.S.) *D. Heathcoat Amory,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this fifth day of May, 1955.

(L.S.) *James Stuart,*
Secretary of State for Scotland.

SCHEDULE

SCHEME UNDER THE AGRICULTURAL MARKETING ACTS, 1931 TO 1949, REGULATING THE MARKETING OF POTATOES

PART I

PRELIMINARY AND DEFINITIONS

1. This Scheme (*a*) may be cited as the Potato Marketing Scheme, 1955, and applies to Great Britain, and (*b*) is in substitution for the Potato Marketing Scheme, 1933(**c**) (hereinafter called "the old Scheme") which is hereby revoked.

2. The regulated product to which this Scheme shall apply is potatoes produced in Great Britain and includes potatoes in course of production.

(a) 21 & 22 Geo. 5. c. 42: 23 & 24 Geo. 5. c. 31; 24 & 25 Geo. 5. c. 1: 12, 13 & 14 Geo. 6. c. 38.
(b) 21 & 22 Geo. 5. c. 42.
(c) S.R. & O. 1933/1186 (Rev. I, p. 349: 1933, p. 88)

3. In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"The Act" means the Agricultural Marketing Act, 1931, as amended by any subsequent Act;

"The Board" means the Potato Marketing Board constituted by this Scheme;

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

"Direct sales" has the meaning ascribed to it in paragraph 75 of this Scheme;

"District" means a district constituted in accordance with Schedule A of this Scheme;

"The first retirement date" has the meaning ascribed to it in paragraph 8 (2) of this Scheme;

"Minister" means the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, acting in conjunction;

"The old Board" means the Board which administered the old Scheme;

"Potato acreage" means at any time, in relation to any producer—

(*a*) the largest number of acres of the land then in his occupation which that producer or a previous occupier of that land has or has had under potatoes at any one time during the calendar year then current;

or

(*b*) if, during the calendar year then current, no potatoes have been planted on the land then in his occupation, the largest number of acres of that land which that producer or a previous occupier had under potatoes at any one time during the preceding calendar year;

"Potatoes" means potatoes produced or in course of production in Great Britain for any purpose;

"Prescription" means a determination of the Board made by means of a prescriptive resolution, and "prescribe" shall be construed accordingly;

"Prescriptive resolution" means a resolution of the Board which is recorded in the record provided for by paragraph 91 of this Scheme;

"Producer" means a producer of potatoes;

"Registered" means registered under this Scheme and "registration" shall be construed accordingly;

"Retailer" means a person whose ordinary business as to potatoes is to sell them wholly or mainly to persons who buy for domestic consumption without further re-sale;

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

"Standard number of votes" has the meaning ascribed to it in paragraph 14 (3) of this Scheme.

4. The Interpretation Act, 1889(**a**), shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

(**a**) 52 & 53 Vict. c. 63.

5.—(1) In any case in which under this Scheme any right or liability depends on the number of acres of land on which any producer has or has had potatoes, or which any producer has or has had under cultivation for potatoes, headlands not planted shall be included and if the area of the land as thus computed amounts to part of an acre or to one or more acres and a part of an acre, then in either of such cases the said part shall, except for the purposes of paragraph 39 of this Scheme, be deemed to be one acre.

(2) Where, under the terms of any arrangement between two registered producers, land in the occupation of one of them is for the time being used for the production of potatoes by or on behalf of the other, that land shall, for all the purposes of this Scheme, be deemed to be in the occupation of the last-mentioned producer and not of the first-mentioned producer if, but only if, notice (in such form as the Board shall from time to time prescribe for the purpose) signed by both those producers is received by the Board and then only from the date of receipt of such notice (or from the date specified in such notice as the date when the use of the land under the arrangement is to commence, whichever of those two dates is the later) until the end of the calendar year during which the notice is received or the use of the land is to commence as the case may require.

6. Any requirement of this Scheme (other than those contained in paragraphs 70 and 83) that a document shall be sent to, or served on, a person by the Board or by a returning officer 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 him at his proper address by post, and with the postage prepaid.

For the purpose of this paragraph the proper address of a registered producer shall be his address as the same appears in the register of producers.

PART II

THE BOARD AND COMMITTEES

The Board

7. There shall be constituted a Board, to be called the Potato Marketing Board, to administer this Scheme. The Board shall be a body corporate with a common seal and power to hold land without licence in mortmain.

8.—(1) Until the first retirement date as hereinafter defined, the Board shall consist of the following persons, that is to say:—

William Adams, Ardneil Farm, Portencross, West Kilbride, Ayrshire.

Alexander Ross Archie, South Leckaway, Forfarshire.

William Ernest Aspinwall, Cardene, 304, Liverpool Road South, Burscough, Ormskirk, Lancashire.

John McDonald Barr, 15, Duntrune Terrace, Broughty Ferry, Angus.

Archibald Dryburgh, O.B.E., Methilhill House, By Leven, Fifeshire.

William Talbot Edmonds, Allington Farm, London Road, Maidstone, Kent.

William Francis Foden, Whitemoor Haye, Fradley, Lichfield, Staffordshire.

William Hope MacGillivray Gill, Rosskeen, Invergordon, Ross-shire.

Ernest John Goodley, Aylmer Hall, Tilney St. Lawrence, King's Lynn, Norfolk.

William Hemmant, J.P., 247, Park Road, Peterborough, Northamptonshire.

John Hough, New Brook Farm, Dutton, Preston Brook, near Warrington, Cheshire.

Charles Thomas Lee, The Mount, Castlethorpe, Brigg, Lincolnshire.

Harry Litherland, M.B.E., Smithfield Market, Manchester, Lancashire.

John Marshall, Dalreoch, Dunning, Perthshire.

Thomas Denzil Matkin, M.B.E., 8-15, Russell Chambers, Covent Garden, London, W.C.2.

Charles Samuel Robert Overton, Ivy House Farm, Wainfleet, Lincolnshire.

William Rees Owen, Elmfield, Roch, Haverfordwest, Pembrokeshire.

John Edward Piccaver, Norfolk House Farm, Gedney Marsh, Spalding, Lincolnshire.

Thomas Raymond Pick, The Chestnuts, Deeping St. Nicholas, Spalding, Lincolnshire.

John Ramsden, J.P., Myton Grange, Helperby, Yorkshire.

James Edwin Rennie, Greendykes, Macmerry, East Lothian.

Harry Rochford, Dene House, Binley, St. Marybourne, Andover. Hampshire.

James Melville Scoble, Langarth, Threemilestone, Truro, Cornwall.

Joseph Shaw, Stone Cellars Farm, Usworth, Washington, County Durham.

John Reginald Tinney, M.B.E., Church End Farm, Rickling, Saffron Walden, Essex.

Gwilym Tecwyn Williams, Longford Grange, Newport, Shropshire.

Henry Scholey Wood, J.P., Ashfield House, East Cowick, Goole, Yorkshire.

Alfred Godfrey Wright, 56, Storey's Way, Cambridge.

and four persons appointed by the Minister in accordance with Section 1 (1) of the Agricultural Marketing Act, 1949.

(2) The first retirement date shall be such date within 60 days after this Scheme comes into force as the Board shall fix.

9. Subject to the next following paragraph and to the provisions of this Scheme as to the filling of casual vacancies, the Board shall consist, after the first retirement date, of twenty-five district members, one special member for Scotland and three special members for England and Wales, all of whom shall be elected as hereinafter provided, and four persons appointed by the Minister in accordance with Section 1 (1) of the Agricultural Marketing Act, 1949(**a**).

10. For the purposes of this Scheme there shall be thirteen districts constituted in accordance with Schedule A of this Scheme, and each district shall, subject to the provisions of this Scheme, elect a district member or members as therein specified:

Provided that, if at any time the Board are of opinion that the average total acreage of land under potatoes in any district or districts (as ascertained from the agricultural statistics published by the Ministry of Agriculture, Fisheries and Food and the Department of Agriculture for Scotland) for the last three preceding years is such that an alteration should be made, the Board may, by prescriptive resolution, alter the number of members to be elected by all or any of the districts. Such alteration shall take effect at the next election in the district or districts affected thereby notwithstanding

(a) 12, 13 & 14 Geo. 6. c. 38.

that the effect of such alteration is temporarily to increase or decrease the total number of district members above or below twenty-five but so that such alteration shall as soon as practicable result in the total number of district members being twenty-five.

11.—(1) The first election of district members shall for all districts be held on such day before the first retirement date as may be fixed by the Board.

(2) Subject to the provisions of this Scheme, the members for the South-Eastern, Northern, South-East Scotland and North and North-West Scotland districts who are elected in 1955 shall hold office until the 31st October, 1956; the members for the South-Western, Lincoln, West Midland and North-East Scotland districts who are elected in 1955 shall hold office until the 31st October, 1957, and the members for the remaining districts who are elected in 1955 shall hold office until the 31st October, 1958.

(3) Every subsequent election of district members shall be held on such day in the month of September or October as may be fixed by the Board and any member then elected shall subject to the provisions of this Scheme hold office for three years from the 31st October next following his election.

12. Elections of all the special members shall be held on such day before the first retirement date as may be fixed by the Board and on such day in the month of September or October in every third year thereafter as may be fixed by the Board. Subject to the provisions of this Scheme, the members so elected shall hold office for three years from the 31st October next following their election, except that the special members who are elected in 1955 shall hold office until the 31st October, 1958.

13.—(1) The following provisions shall have effect with respect to election of members of the Board.

(2) Not later than the 42nd day before the day fixed for the election of a district member or of a special member, as the case may be, the Board shall publish in "The Times" newspaper and in such other newspapers (if any) and in such other manner (if any) as the Board shall think fit, notice that the Board is prepared to receive nominations. In the case of an election of a special member for Scotland or of a district member for a district situated in Scotland, the said notice shall also be published in "The Scotsman" and "The Glasgow Herald" newspapers.

(3) No person shall be qualified to be elected a district member for a district situated in England or Wales unless he has been nominated in writing as a candidate by at least twenty registered producers entitled to vote in that district or by a county branch of the National Farmers' Union in that district.

(4) No person shall be qualified to be elected a district member for a district situated in Scotland unless he has been nominated in writing as a candidate by at least twenty registered producers entitled to vote in that district or by an area executive of the National Farmers' Union of Scotland in that district.

(5) No person shall be qualified to be elected as a special member for Scotland unless he has been nominated either by—

(*a*) the National Farmers' Union of Scotland, or

(*b*) at least 40 registered producers who produce potatoes in Scotland.

(6) No person shall be qualified to be elected as a special member for England and Wales unless he has been nominated either by—

(*a*) the National Farmers' Union of England and Wales, or

(*b*) at least 40 registered producers who produce potatoes in England or Wales.

(7) Every such nomination as aforesaid shall be in writing and shall reach the office of the Board in England not later than 6 p.m. on the 35th day before the day fixed for the election (hereinafter called the "last day for nominations").

(8) A person so nominated as a candidate shall deposit, or cause to be deposited, with the secretary of the Board not later than 6 p.m. on the last day for nominations the sum of £20.

(9) If a candidate who has made the required deposit is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled or one-quarter of the number of votes polled by the candidate obtaining the highest number of votes, whichever is the less, the amount deposited shall be forfeited to the Board; but in any other case and in any case where the candidate dies before the completion of the election the amount shall be returned to the candidate or his personal representative as soon as practicable after the result of the election is declared.

(10) Any nomination not received within the time aforesaid, or any nomination received within the time aforesaid but without the said deposit being made, shall be void.

(11) A candidate may withdraw from his candidature by giving a written notice to the secretary of the Board to that effect, provided it is delivered at the head office of the Board in England not later than 6 p.m. on the 28th day before the day fixed for the election and in such case the said deposit shall be returned.

(12) No person shall be qualified to be elected as a district member if in connection with the then pending elections he has been duly nominated as a candidate for election as a special member and has not withdrawn from his candidature in manner aforesaid.

(13) No person shall be qualified to be elected as a special member if in connection with the then pending elections he has been duly nominated as a candidate for election as a district member and has not withdrawn from his candidature in manner aforesaid.

(14) If the number of candidates duly nominated as aforesaid is less than the number of vacancies to be filled, the Board may nominate candidates.

(15) Where no more candidates are duly nominated than there are vacancies to be filled, the secretary of the Board shall in writing declare them duly elected and the result shall be published in "The Times" newspaper and such other newspapers (if any) as the Board shall think fit.

(16) Where, after excluding those who have withdrawn from their candidature in manner hereby provided, there are more candidates than there are vacancies to be filled, a vote shall be taken in manner hereinafter provided and those candidates shall be elected who receive the greatest number of votes.

14.—(1) When a vote on the election of any district or special member or members is to be taken the Board shall, not later than the 14th day before the day fixed for the election, send to every registered producer entitled to vote at such election notice of the election and of the candidates who have been duly nominated together with a voting paper. A voting paper shall not be counted unless it reaches the address of the Board specified therein not later than 6 p.m. on the day fixed for the election properly completed and signed and with the postage prepaid.

(2) (*a*) At an election of a district member every person who at noon on the last day for nominations was a registered producer producing potatoes in that district shall be entitled to vote and shall have his standard number of votes (calculated in relation to his potato acreage in that district at noon on that day) multiplied by the number of persons to be elected.

(*b*) At an election of the special members for England and Wales every person who at noon on the last day for nominations was a registered producer producing potatoes in England and Wales or either of them shall be entitled to vote and shall have his standard number of votes (calculated in relation to his potato acreage in England and Wales at noon on that day) multiplied by the number of persons to be elected.

(*c*) At an election of the special member for Scotland every person who at noon on the last day for nominations was a registered producer producing potatoes in Scotland shall be entitled to vote and shall have his standard number of votes calculated in relation to his potato acreage in Scotland at noon on that day.

(*d*) No registered producer shall give more or less than his standard number of votes in favour of any one candidate in any such election as aforesaid.

(3) The standard number of votes of a registered producer shall be calculated as follows and the expression "standard number of votes" shall be construed accordingly:—

A registered producer with a potato acreage of not less than one and not exceeding ten shall have one vote;

A registered producer with a potato acreage exceeding ten and not exceeding twenty shall have two votes;

A registered producer with a potato acreage exceeding twenty shall have two votes plus one additional vote for every fifty acres of such excess: Provided that if such excess does not amount to an even fifty acres the odd fraction of such excess shall be taken to be an additional fifty.

15. A retiring member of the Board or a member who resigns his office shall be eligible for election or re-election.

16.—(1) If a district member for any district dies, or ceases to hold office under paragraph 17 of this Scheme, then—

(*a*) if the vacancy in the office occurs within six months before the beginning of September in the year in which the next election of a district member for that district would be held under the foregoing provisions of this Part of this Scheme, the Board may co-opt in his place any person who, in their opinion, is qualified to represent the registered producers producing potatoes in that district;

(*b*) in any other case, an election of a district member for that district shall be held as soon as may be in accordance with the provisions of paragraphs 13 and 14 of this Scheme so far as such provisions are applicable.

(2) If a special member dies, or ceases to hold office under paragraph 17 of this Scheme, the Board may co-opt a person in his place.

(3) Every person co-opted or elected to the Board under this paragraph shall be subject to retirement at the same time as if he had become a member on the day on which his predecessor in office was last elected a member or was co-opted as the case may be.

(4) Elections of district members under this paragraph shall not be taken into account for the purposes of paragraphs 10 and 11 of this Scheme.

17. A 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 so accepted, is not withdrawn within seven days; or

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

(*c*) if he is adjudged bankrupt or his estate is sequestrated by a competent Court in Scotland or he enters into a composition or scheme of arrangement 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 subsection (2) of Section 17 of the Act.

18. The Board—

(*a*) shall elect from amongst their members a Chairman and Vice-Chairman, both of whom shall (provided they remain members of the Board) hold office until the commencement of the first meeting of the Board held—

(i) (in the case of the first Chairman and Vice-Chairman) after the first retirement date;

(ii) (in all other cases) after the 31st October in the year following the year of their election;

(*b*) may employ a secretary and such other officers, servants and agents as they think fit;

(*c*) shall have an office in England and an office in Scotland at either of which communications and notices (except as otherwise in this Scheme expressly provided) will at all times be received, and shall notify the Minister of the addresses thereof, and of any change in those addresses;

(*d*) may have such district and local offices as they think fit; and

(*e*) may 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.

19. The Board may pay to members of the Board such travelling and out-of-pocket expenses as have, in the opinion of the Board, been reasonably incurred by them in connection with the business of the Board, and shall also pay to the members of the Board such remuneration, if any, as may be determined by a resolution of the registered producers in annual general meeting.

20. The quorum of the Board shall be such number, not being less than ten, as the Board may from time to time determine, and until otherwise so determined shall be ten, and the Board shall have power at all times to act, notwithstanding any vacancy in their number.

The Executive Committee

21. The Board shall constitute an Executive Committee consisting—

(*a*) of the Chairman and Vice-Chairman of the Board, and

(*b*) of not more than five other members of the Board from time to time appointed by the Board of whom at least one shall be a member of

the Board who was appointed by the Minister, each of whom shall (unless re-appointed) retire at the same time as the Chairman and Vice-Chairman of the Board are due to vacate office in accordance with paragraph 18 of this Scheme.

22.—(1) The Board shall delegate to the Executive Committee all their functions under this Scheme except their functions under Parts II to VIII inclusive of this Scheme.

(2) The Board may delegate to the Executive Committee any of their functions under any of the Parts of this Scheme mentioned in sub-paragraph (1) of this paragraph.

23. The quorum of the Executive Committee shall be three and the Committee shall report its proceedings to the Board.

The Joint Consultative Committee

24.—(1) The Board shall constitute an Advisory Committee (to be known as " the Joint Consultative Committee ") consisting of not more than eighteen members of whom—

(*a*) not more than six members shall be appointed by the Board, of whom not more than five shall be appointed from amongst the members of the Board;

(*b*) not more than four members (of whom three shall be representative of retailers) shall be appointed by the Retailers' Committee hereinafter referred to;

(*c*) the remaining members shall comprise not more than two representatives of each of the distributive interests hereinafter mentioned who shall, on behalf of each such interest, be appointed by such organisation as the Board think best qualified to express the views of that interest.

(2) The distributive interests referred to in the last preceding sub-paragraph are:—

Town merchants of ware potatoes in England and Wales;

Country merchants of ware potatoes in England and Wales;

Merchants of seed potatoes in England and Wales;

Scottish potato merchants.

(3) The Board shall consult the Joint Consultative Committee as often as the Board think fit and in any case not less than four times a year and before making any major change of policy in the marketing of potatoes.

(4) The Joint Consultative Committee may, subject to the approval of the Board, appoint sub-committees (whether or not from amongst their own members) for the purpose of considering and advising on such specific matters as the Joint Consultative Committee may direct.

(5) The Chairman of the Joint Consultative Committee shall be elected by the Committee from amongst the members of the Board appointed pursuant to sub-paragraph (1) (*a*) of this paragraph.

Retailers' Committee and other Advisory Committees

25.—(1) The Board shall constitute an Advisory Committee (to be known as " the Retailers' Committee ") consisting of not more than twelve representatives of such organisations as the Board may consider best qualified to express the views of retailers and of persons who buy potatoes for the purpose of using them in some process of manufacture or selling them in a cooked state.

(2) The Board shall constitute an Advisory Committee consisting of not more than eleven persons of whom at least three shall be members of the Board and two shall be persons nominated by such organisation as the Board think best qualified to express the views of Scottish potato merchants. The functions of that Advisory Committee shall be to consider and advise on matters particularly affecting the marketing of potatoes produced in Scotland.

(3) The Board shall constitute an Advisory Committee consisting of not more than twelve persons of whom at least three shall be members of the Board whose functions shall be to consider and advise on matters particularly affecting the production and marketing of potatoes grown for seed.

(4) The Board may constitute other Advisory Committees for the purpose of considering such matters as the Board may direct.

(5) The Board may invite any person or any representative of any organisation to serve upon any such Advisory Committee as is referred to in the last preceding sub-paragraph of this paragraph and may appoint representatives to any Advisory Committee set up by any other persons or organisations.

26. The Board may pay to any member of any Advisory Committee constituted under this Scheme, or to any person appointed by the Board to represent them on any Advisory Committee set up by any other persons or organisations, such travelling and out-of-pocket expenses as have, in the opinion of the Board, been reasonably incurred by him in connection with the business of such Committee.

Other Committees of the Board

27. The Board may constitute such other Committees from amongst their members as they think fit and may delegate to any such Committee any of the functions of the Board except a power in connection with the borrowing of money or a function which is delegated to the Executive Committee.

General Provisions as to Committees other than the Executive Committee

28. The following provisions shall apply to every Committee of the Board (other than the Executive Committee) and to every Advisory Committee constituted under this Scheme, namely:—

(*a*) the quorum of the Committee shall be such number as the Board may determine or, in the absence of any such determination, such number as the Committee may determine;

(*b*) the Committee shall report their proceedings to the Board;

(*c*) no member of the Committee shall (unless re-appointed) hold office beyond the time when the Chairman and Vice-Chairman of the Board are due to vacate office in accordance with paragraph 18 of this Scheme.

Meetings

29. At every meeting of the Board the chair shall be taken by the Chairman, or in his absence, the Vice-Chairman. If at any meeting neither the Chairman nor the Vice-Chairman shall be present the meeting shall elect a chairman for that meeting.

30. The meetings of the Board or of any Committee of the Board shall be held at such times and places as may be determined by the Board or the Committee respectively, and the expenses thereof shall be defrayed out of the fund.

31. Questions arising at any meeting of the Board, or of a Committee thereof, shall be decided by a majority of the votes of the members present, and if at any such meeting the votes are equally divided on any question, the chairman of the meeting shall for the purpose of deciding that question have a second or casting vote.

32.—(1) Minutes shall be kept of the proceedings of the Board and of every 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.

(2) A copy purporting to be certified in writing by the chairman or vice-chairman of the meeting or secretary of the Board to be a true copy of the minutes or any parts of the minutes of the Board or any Committee of the Board shall be received by all courts and tribunals as evidence of such of the proceedings at the said meeting as such minutes or parts of the minutes purport to relate to, and until the contrary be proved, the meeting shall be presumed to have been regularly convened and constituted.

33. Any seven members of the Board may, and the secretary on the request of the Chairman, Vice-Chairman or any seven members of the Board shall, convene a meeting of the Board.

34. 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 or of the Committee had 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.

Contracts

35. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Board by any person authorised by them in that behalf, either generally or specially.

36. No contract to which the Board are a party shall be avoided by reason only that a member of the Board is also a party thereto, or is interested therein, and a member of the Board who is a party to or is interested in such contract shall not, by reason only that he is a member of the Board, be liable to account to the Board for any profit realised by him by reason of the contract; but a member of the Board must forthwith disclose to the Board any interest which he has or acquires in any contract whatever, if such interest in any way conflicts with his duty as a member of the Board, and shall not vote upon any question relating to the contract; and if he does vote, his vote shall not be counted:

Provided always that a member of the Board shall not be precluded from voting on a question relating to the general policy of the Board with respect to any matter, by reason only that the determination of that question will, or may, affect contracts which have been, or may thereafter be, entered into by him with the Board.

The Seal

37. The common seal of the Board shall not be applied to any document authorised by the Executive Committee under its powers under paragraph 22

of this Scheme except by the authority of the Executive Committee, and in that case the application of the seal shall be attested by the Chairman and at least one other member and by the secretary of the Committee; and, except as hereby provided, it shall not be applied to any document except by the authority of the Board, and in that case the application of the seal shall be attested by the Chairman or Vice-Chairman and at least one other member and by the secretary of the Board.

PART III

REGISTER OF PRODUCERS

38.—(1) The Board shall keep a register of producers (in this Part of this Scheme referred to as "the register") and every producer shall on application to the Board be entitled to be registered therein.

(2) Producers who, immediately before the day on which this Scheme comes into force, were registered in the register kept by the old Board shall, on the coming into force of this Scheme, be deemed to be registered thereunder and their names shall forthwith be entered in the register.

39. Producers whose potato acreage is less than one acre shall be exempt from registration.

40.—(1) The register shall be open for inspection at the office of the Board in England from 10 a.m. to 4 p.m. on week-days, other than Saturdays, except on Christmas Day, Good Friday and any Bank Holiday. Any person shall be entitled to be supplied with a copy or to take copies of the register, or any part thereof, on payment in either case of a fee of 1s., and in addition a fee not exceeding threepence for each entry copied in excess of 24:

Provided that:

(*a*) where, in connection with an election of members of the Board, more persons than there are vacancies to be filled are duly nominated and pay the required deposit, any such person shall be entitled (upon written request made by him to the Board at its office in England on or not later than the seventh day after the last day for receiving nominations) to be supplied within seven days of the request with one copy free of charge of the entries appearing on the register on the last day for receiving nominations in respect of every registered producer who would be entitled to vote at the election if he continued to be registered and with a second copy on payment of a fee not exceeding ten pounds;

(*b*) the Board shall be under no liability in respect of any 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

(2) (*a*) A copy of any entry in the register purporting to be signed by the Chairman or Vice-Chairman or secretary or registration officer for the time being of the Board to be a true copy shall be evidence of such entry in the register.

(*b*) A written statement purporting to be signed by the Chairman or Vice-Chairman or secretary or registration officer for the time being of the Board that the name of a person does not appear upon the register or did not appear on the register upon any stated date shall be evidence that such person is not a registered producer or was not a registered producer at the date stated as the case may be.

41.—(1) Registration of the name or style under which two or more persons carry on business in partnership as producers shall operate as the registration of all the partners for the time being so however that—

(*a*) for the purposes of the Act and of this Scheme all the partners shall be regarded as constituting together a single registered producer, and

(*b*) a person registered as a partner as aforesaid shall not be deemed to be registered as a producer except to the extent of his interest in the partnership.

(2) Where, by reason of a registered producer dying or becoming subject to some legal disability or entering into a composition or scheme of arrangement with his creditors, the property in, or the control of, any business of producing potatoes is transferred from him to a personal representative, trustee, committee, or other person, the personal representative, trustee, committee, or other person shall, until he has disposed of the property in or control of such business of producing potatoes, be deemed to be a producer for all the purposes of this Scheme, provided that on the day of the transfer and for one month thereafter the personal representative, trustee, committee, or other person may do, without being registered, anything in relation to the business so transferred which the registered producer might have done.

42.—(1) The Board, on being satisfied that a person who is registered has ceased to be a producer or is exempt from registration, shall remove his name from the register :

Provided always that the name of a person shall not be removed from the register without his consent by reason only that he is exempt from registration.

(2) The Board may from time to time determine that every application by a registered producer that his name shall be removed from the register shall be in writing in such form as may be prescribed by the Board, and thereafter unless the Board shall otherwise determine the name of a producer shall not be removed from the register unless he has made application in the appropriate form.

PART IV

POLLS

43. Any poll held in connection with a proposal for the amendment or revocation of this Scheme shall be taken in accordance with the succeeding provisions of this Part of the Scheme.

44. The producers who are entitled to vote on the poll shall be the producers who are registered on the qualifying date, that is to say, on such day as may be determined by the Board.

45.—(1) The Minister shall appoint a person to be the returning officer for the purposes of the poll, whose remuneration and expenses shall be defrayed by the Board.

(2) The returning officer may by writing under his hand appoint any fit person or persons to be his deputy or deputies for all or any of the purposes of the poll.

(3) A deputy returning officer shall have all the powers and duties of the returning officer in relation to the matters in respect of which he is appointed to act as a deputy.

(4) No member or servant of the Board and no registered producer shall be appointed as a returning officer or be appointed to be a deputy of the returning officer.

46. The Board shall furnish to the returning officer a list of the names and addresses of the registered producers who are entitled to vote on the poll.

47. The poll shall be conducted by post and the returning officer shall not later than the 14th day after the qualifying date send a voting paper to every producer entitled to vote. In the event of the loss of a voting paper so sent the returning officer may supply a duplicate voting paper.

48. The voting paper shall be substantially in the form set out in Schedule B of this Scheme, and only voting papers which are properly completed and signed and which reach the office of the returning officer with the postage prepaid on or before 6 p.m. on such day as may be fixed by the Board (not being earlier than the 24th day) after the qualifying date shall be taken into account.

49. Any person who knowingly makes any false statement in a voting paper shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, or to a fine not exceeding £100, or to both such imprisonment and fine.

50. For the purposes of any poll, the quantity of potatoes which a registered producer is capable of producing shall be that quantity of potatoes which is in the same proportion to the total quantity of potatoes that all the registered producers voting on the poll are capable of producing as his potato acreage on the qualifying date is to the total potato acreage on that date of all the registered producers voting on the poll.

51.—(1) The votes given on any poll shall be counted by the returning officer and his decision on any question arising with respect to a voting paper shall be final and conclusive.

(2) The returning officer shall draw up and deliver to the Minister and to the Board a certificate showing the result of the poll and including particulars of the number of voting papers sent out by the returning officer, the number of voting papers received by him in due time, the number of such papers which were rejected because they were not properly completed and the number of registered producers who voted in favour of the amendment or revocation, as the case may be, of the Scheme and against it respectively and the quantity of potatoes that they were capable of producing.

(3) The result of the poll as shown in the certificate given by the returning officer shall be declared at a meeting of the Board by the member acting as chairman of that meeting, and that certificate (or such part thereof as the Minister may determine) shall be published by the Board in "The Times," "The Scotsman" and "The Glasgow Herald" newspapers and such other newspapers as the Board may think fit or, at the option of the Board, by sending a notice of the result to every registered producer.

PART V

ACCOUNTS AND FINANCE

52.—(1) The old Board is hereby dissolved.

(2) All the property, rights and liabilities which, immediately before the day on which this Scheme comes into force, were the property, rights and liabilities of the old Board shall on the said day vest by virtue of this Scheme and without further assurance in the Board constituted by this

Scheme and any proceedings pending on the said day to which the old Board is a party shall be continued as if the Board constituted by this Scheme were a party thereto in lieu of the old Board.

53. There shall be established a fund (in this Scheme referred to as "the fund") which shall be administered and controlled by the Board. All moneys received by the Board shall be paid into the fund and any moneys required by the Board for the operation of this Scheme shall be paid out of the fund. Any moneys for the time being standing to the credit of the fund may be left on current or deposit account in any bank or, if not for the time being required for the purposes of the functions of the Board, may be invested, but, except with the approval of the Minister, shall not be invested otherwise than in securities in which a trustee is authorised under Sections 1 and 2 of the Trustee Act, 1925(**a**), as extended by any subsequent enactment, to invest trust funds, or in the stocks, funds or securities mentioned in Sections 10 or 11 of the Trusts (Scotland) Act, 1921(**b**), or for the time being approved by the Court of Session under Section 27 of the last-mentioned Act.

54. The Board shall keep proper accounts, and in particular 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 an accountant or firm of accountants appointed by the registered producers at the annual general meeting but no person or firm shall be qualified to be so appointed unless he is a member or in the case of a firm each partner 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, or

The Institute of Chartered Accountants in Ireland,

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 account or income and expenditure account, shall send to the Minister and to every registered producer a copy of the account and balance sheet 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, and such last-mentioned report shall contain a statement of the manner in which in accordance with paragraph 53 of this Scheme any moneys of the Board are invested.

55.—(1) If the retiring auditor or firm of auditors is willing to be reappointed, no other auditor or firm of auditors shall be capable of being appointed auditor or auditors by the registered producers at the annual general meeting unless notice of intention to nominate such other person or firm to the office has been given by a registered producer to the secretary of the Board not later than the fourteenth day before the meeting.

(2) In case of vacancy the Board may appoint a person or firm qualified as aforesaid to act as temporary auditor or auditors, but a person or firm so appointed shall not be deemed to be the retiring auditor or firm of auditors for the purposes of this paragraph.

(**a**) 15 & 16 Geo. 5. c 19. (**b**) 11 & 12 Geo. 5. c. 58.

56. The Board shall on the demand of any person, and on payment by him of such fee (not exceeding two shillings and sixpence, in respect of each balance sheet) as may be fixed by the Board, furnish him with a copy of any of their balance sheets.

57. 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.

PART VI

MEETINGS OF REGISTERED PRODUCERS

General

58. Once in every calendar year the Board shall arrange for the holding of a general meeting of registered producers at such time and place as the Board may appoint.

59. Without prejudice to any other provisions of this Scheme the Board may convene special general or district meetings of registered producers to discuss any question which, in the opinion of the Board, should be discussed at such meetings, and, if a requisition requesting such a special district meeting to be called to consider some question relating to this Scheme and affecting any district is signed by not less than fifty of the registered producers in that district, the Board shall call such a meeting at such time and place within the district as they may appoint.

Chairman

60. The chairman of every meeting of registered producers shall be appointed by the Board:

Provided always that, if the person appointed by the Board to be chairman is not present within fifteen minutes after the time appointed for the meeting, the meeting shall choose a chairman.

Notice of Meeting

61.—(1) Not later than the twenty-first day before the day fixed for the holding of a meeting of registered producers the Board shall send to every registered producer who is entitled to vote at the meeting a proxy form and a written notice stating:—

(*a*) the time, date and place appointed for the holding of the meeting;

(*b*) the business to be transacted.

(2) No business shall be transacted at any meeting other than the business of which notice has been given as aforesaid by the Board.

Voting

62. All registered producers shall be entitled to vote at a general meeting and at a district meeting those registered producers shall be entitled to vote who have any part of their potato acreage in that district.

63.—(1) Every question put before a general or district meeting of registered producers shall be decided on a show of hands, unless either before or immediately after the show of hands a formal vote is demanded by, or on behalf of, at least three registered producers entitled to vote, in which case a formal vote shall forthwith be taken.

(2) Upon the taking of a formal vote at any district meeting a registered producer shall have the standard number of votes calculated in relation to his potato acreage in that district.

(3) Upon the taking of a formal vote at a general meeting of all producers a registered producer shall have the standard number of votes.

64. Without prejudice to the provisions of this Part of this Scheme relating to proxies, a registered producer being a corporation aggregate may exercise any of its rights at a meeting by a member of the Board of Directors or other governing body of the corporation or by its secretary or other permanent officer; and a registered producer who is a partnership firm may exercise any of their rights at a meeting by any one of their partners.

65. At any meeting the declaration of the chairman of the result of any vote or show of hands shall be final, and in the event of an equality of votes the chairman shall, in addition to his other votes (if any), have a casting vote.

Proxies

66. At any meeting registered producers may vote either personally or by proxy. The instrument appointing a proxy shall be in writing under the hand of the registered producer or his attorney in such form as the Board may require; or, if the registered producer is a corporation aggregate either under its seal, or under the hand of a member of the Board of Directors or other governing body of the corporation or of its secretary or other permanent officer. The said instrument and the power of attorney or other authority (if any) under which it is signed (or a notarially certified copy thereof) shall be deposited at such place as may be indicated on the form not later than 6 p.m. on the seventh day before the day fixed for the meeting, and in default the instrument shall be treated as invalid. Every proxy shall be a registered producer save that the proxy of a corporation need not be a registered producer.

PART VII

MARKETING PROVISIONS AND PRINCIPAL POWERS OF THE BOARD

Agriculture Act, 1947

67.—(1) For the purpose of securing for registered producers the benefits of Part I of the Agriculture Act, 1947(a), relating to prices and assured markets, and in particular for the purpose of implementing any decision of H.M. Government made consequent on a review held pursuant to that Act, the Board may enter into any agreement with the appropriate Minister or his nominee and may receive or pay money in pursuance of such agreement and it shall be the duty of the Board to implement any such agreement.

(2) In the exercise of the powers conferred on the Board by this Part of this Scheme the Board shall have regard to the provisions of any such agreement as aforesaid.

Prohibition of Sales by Unregistered Producers

68. Subject to the provisions of the Act with respect to existing contracts and to the provisions of this Part of this Scheme, a producer who is neither registered nor exempt from registration shall not sell any potatoes either in Great Britain or elsewhere.

(a) 10 & 11 Geo. 6. c. 48.

Exemptions

69.—(1) The Board may from time to time prescribe that any class or description of producers or sales shall for such period as may be fixed by the Board be exempt from such of the provisions of this Scheme as the Board may specify in the prescription.

(2) Any sale for export outside Great Britain of seed potatoes certified under any certification scheme administered by any Government Department shall (provided that the seller has satisfied the Board that the sale is such a sale as aforesaid) be exempt from the provisions of paragraphs 71 to 76 of this Scheme.

Notice to Minister

70. No prescription made by the Board prescribing minimum prices under paragraph 71 of this Scheme and no prescription made by the Board under sub-paragraph (1) of paragraph 72 or paragraph 75 or 76 of this Scheme shall come into operation unless either—

(*a*) prior notice in writing of the proposal to make such prescription has been given to the Minister or his nominee, or

(*b*) seven days have elapsed since notice in writing of the making of the prescription has been given to the Minister or his nominee:

Provided that this paragraph shall not apply in such cases or classes of case as the Minister may from time to time specify by notice in writing given to the Board.

Terms and Minimum Prices

71. The Board may from time to time regulate sales of potatoes by any registered producer by prescribing for such period as may be fixed by the Board on the occasion of each prescription either or both of the following matters, namely:—

(*a*) the terms on which potatoes or any description or quantity of potatoes may be sold otherwise than to the Board:

Provided that such terms shall not include a term requiring that, on a resale of potatoes by the buyer or on any subsequent resale, the potatoes shall be sold at, below or above a specified price, but nothing in this proviso shall, in relation to potatoes sold growing or as grown on the farm, prevent the Board from prescribing as a term on which such potatoes may be sold that they shall not be resold below a prescribed price if the resale takes place at a time when there is in force a prescription under sub-paragraph (*b*) hereof in relation to any potatoes.

(*b*) the price below which potatoes or any description or quantity of potatoes may not be sold otherwise than to the Board.

Quality, Description, Grading, etc.

72.—(1) The Board may from time to time regulate sales of potatoes by prescribing for such period as may be fixed by the Board on the occasion of each prescription the description of potatoes which may be sold by any registered producer otherwise than to the Board.

(2) The Board may from time to time prescribe for such period as may be fixed by the Board on the occasion of each prescription—

(*a*) the manner in which potatoes or any description or quantity of potatoes shall be graded by or on behalf of registered producers;

(*b*) the manner in which potatoes or any description or quantity of potatoes shall be marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of registered producers.

(3) In making any prescription under sub-paragraphs (1) and (2) of this paragraph the Board shall, in so far as that prescription relates to seed potatoes, have regard to the provisions of any scheme administered by a Government Department for the certification of such potatoes and shall not prescribe the size of potatoes so certified which may be sold for planting.

Forms of Contract

73. Without prejudice to the generality of the powers conferred on the Board by the foregoing provisions of this Scheme, the Board may from time to time prescribe the form or forms in which contracts for the sale of potatoes or of any description or quantity of potatoes (including potatoes sold growing or as grown on the farm) by any registered producer shall be made and without prejudice to the power of the Board to prescribe other terms the Board may prescribe as a term of any such contract that the contract shall be presented to the Board for registration by or on behalf of the registered producer within such time as may be prescribed and that in default of such presentation or if the Board shall lawfully refuse to register the contract the contract shall be void as from the expiry of the prescribed time (unless registered by the Board pursuant to paragraph 74 of this Scheme) or from the date of the refusal as the case may be:

Provided that no such terms or form of contract shall include a term requiring that, on a resale of potatoes by the buyer or on any subsequent resale, the potatoes shall be sold at, below or above a specified price, but nothing in this proviso shall, in relation to potatoes sold growing or as grown on the farm, prevent the Board from prescribing as a term on which such potatoes may be sold that they shall not be resold below a prescribed price if the resale takes place at a time when there is in force a prescription under sub-paragraph 71 (*b*) of this Scheme in relation to any potatoes.

74.—(1) If the Board prescribe as a term of any contract for the sale of potatoes by a registered producer that the contract shall be presented to the Board for registration the following provisions of this paragraph shall have effect in respect of such a contract.

(2) The contract shall be presented to the Board by or on behalf of the registered producer and the Board shall register it unless they think fit to refuse upon any of the following grounds:—

(*a*) that it was not received for registration within the prescribed time unless the Board are satisfied that the failure to present it was due to accident or other unavoidable cause;

(*b*) that it is not in the prescribed form or contains any terms other than the prescribed terms or that for any other reason it would be unlawful for the registered producer to comply with the contract;

(*c*) that the Board is satisfied that the registered producer has entered into some contract either with the purchaser or any other person which deprives or is calculated to deprive any of the parties to the prescribed contract of any advantage acquired under it or is calculated to diminish any such advantage.

(3) If the Board register a contract which is not in the prescribed form or which contains any written terms other than the prescribed terms the Board shall be deemed to have permitted such lack of form or other terms as the case may be.

(4) If the Board refuse to register any contract they shall as soon as practicable give notice in writing of their refusal to the registered producer affected thereby stating their reasons therefor.

(5) Nothing herein contained shall be deemed to authorise the Board to refuse to register any contract which the Board are required by the Act to register.

Buyers, Agents and Grower-Salesmen

75.—(1) Subject to the provisions of this paragraph, the Board may from time to time by prescriptive resolution determine all or any of the following matters, namely:—

(*a*) that pending a further prescription by the Board no registered producer shall without the written authority of the Board sell potatoes, or any description or quantity thereof, to any person other than a person who is for the time being the holder of a licence in that behalf issued by the Board;

(*b*) that pending a further prescription by the Board no registered producer shall, without the written authority of the Board, sell any potatoes or any description or quantity thereof, through the agency of any person other than a person who is for the time being the holder of a licence in that behalf issued by the Board:

Provided that this sub-paragraph shall not apply to direct sales as hereinafter defined.

(2) Subject to the provisions of this paragraph the Board may from time to time prescribe that, pending a further prescription by the Board, no registered producer shall, without the written authority of the Board, sell potatoes by way of a direct sale or by way of such class or classes of direct sale as may be specified in the resolution except under and in accordance with the terms of a licence issued by the Board, and any such licence may contain such conditions to be observed by the holder thereof in relation to his trade in potatoes as the Board may from time to time prescribe.

(3) In this paragraph the expression "direct sales" means sales of the classes following, namely:—

(*a*) sales of potatoes to a retailer;

(*b*) sales of potatoes to any Government department or local authority, or to any hospital, asylum, nursing home, school, orphanage, hotel, canteen or other similar institution;

(*c*) sales of potatoes to caterers, restaurant and café proprietors and other persons for the purpose of their being sold by them in a cooked state or supplied by them as part of a meal.

(4) Nothing in this paragraph shall apply to any of the following classes of sale, namely:—

(*a*) sales of potatoes to persons who buy them for domestic consumption in their own households without further resale and which are not sales described in the preceding sub-paragraph (3) (*b*) of this paragraph;

(*b*) sales of seed potatoes by the registered producer thereof to another registered producer for planting by the actual purchaser;

(*c*) sales of potatoes in lots or parcels of 112 lbs. or less where—

(i) any such sale is a separate and distinct transaction and does not form part of a larger transaction or series of transactions in respect of which the total amount of potatoes sold exceeds 112 lbs., and

(ii) the aggregate of all such sales previously made by the same producer during the calendar year then current does not exceed 19 cwt.

76.—(1) Any such licence as is mentioned in sub-paragraph (1) of the foregoing paragraph of this Scheme (hereafter in this paragraph referred to as a "licence") may contain such conditions to be observed by the holder thereof in relation to his trade in potatoes as the Board may from time to time prescribe and the Board may, if the licence so provides, subsequent to the issue thereof, by prescriptive resolution add to or vary or cancel all or any of the conditions therein contained and the licence shall have effect accordingly as from the date of service on the licensee of notice of such resolution.

(2) Every licence shall state the period of its operation and any application for the renewal of a licence shall be made not later than two months before the expiry thereof.

(3) The Board shall not—

(*a*) refuse to grant a licence to an applicant therefor except on the ground that he is unable to perform all such conditions as are for the time being prescribed by the Board under sub-paragraph (1) of this paragraph;

(*b*) refuse to renew a licence or revoke a licence except on the ground that the holder thereof has failed to comply with one or more of the conditions thereof.

(4) The Board shall not take any such action as is referred to in sub-paragraph (3) of this paragraph until, after affording to the person affected an opportunity of being heard by the Board, they have given to him 21 days' notice in writing of the proposal to take that action and, where the action proposed is the refusal to renew a licence, the notice required by this sub-paragraph shall be served not later than one month before the expiration of the current licence.

(5) A person to whom notice of a proposal is given under sub-paragraph (4) of this paragraph may, by notice in writing served by him on the Board within that period of 21 days, require that there shall be referred to arbitration the question whether that person is unable to perform licence conditions or, as the case may be, has failed to comply with any condition of his current licence.

(6) The Board shall not give effect to the proposal until the expiration of the period of 21 days within which a reference to arbitration may be required, or, in a case where such a reference is duly required, until the expiration of a period of 10 days after the receipt by the Board of the arbitrator's award.

(7) Where such a reference is duly required the Board shall, upon receipt by them of the arbitrator's award, reconsider the question whether the licence should be granted or the current licence should be renewed or revoked, as the case may be.

(8) Subject to the provisions of the last preceding sub-paragraph, every such arbitration shall be conducted, and the arbitrator shall be appointed, as if the arbitration were an arbitration under paragraph 90 of this Scheme.

(9) Forthwith after taking any such action as is referred to in sub-paragraph (3) of this paragraph, the Board shall serve notice thereof in writing on the person who was entitled under sub-paragraph (4) to be afforded an opportunity of being heard by the Board.

(10) Where notice has been given under sub-paragraph (4) of this paragraph of a proposal to refuse to renew a licence and that licence would,

but for the provisions of this sub-paragraph, have expired, the licence shall be deemed to remain in force until the Board have served notice under sub-paragraph (9) of this paragraph or, if a reference to arbitration has been required, until the Board have served the last-mentioned notice or have renewed the licence.

Miscellaneous Powers

77.—(1) The Board may buy, sell, grade, pack, store, adapt for sale, insure, advertise and transport potatoes.

(2) The Board may produce from potatoes the commodities specified in Schedule C of this Scheme and may sell, grade, pack, store, adapt for sale, insure, advertise and transport any commodity so produced by the Board.

(3) The Board may acquire and sell or let for hire to registered producers and other persons anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of potatoes and may render to registered producers or other persons (for payment or otherwise) any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of potatoes, so however that the things so sold or let for hire and the services rendered are sold, let for hire or rendered either exclusively or primarily in such circumstances as to be likely to be utilised either wholly or mainly by, or in connection with potatoes produced by, registered producers.

(4) The Board may co-operate with any other person in doing anything which the Board are empowered to do under sub-paragraphs (1), (2) and (3) of this paragraph and may do anything calculated to procure, promote or facilitate the doing by any other person of any such things.

78. The Board may take such steps as they consider practicable to encourage, promote and conduct agricultural co-operation, research and education in connection with the production and marketing of potatoes and of products derived therefrom.

79. The Board may obtain and circulate statistics and other information which in the opinion of the Board is in any way connected with or bears upon the production or marketing of potatoes in Great Britain or elsewhere:

Provided that nothing in this paragraph shall authorise the disclosure of any information contrary to Section 17 of the Act.

80.—(1) The Board may from time to time circulate information as to the prices which in the opinion of the Board, having regard to the available information, should be obtained by registered producers for potatoes.

(2) The said information as to prices shall be communicated in such manner as the Board shall think fit and no registered producer shall be entitled to any compensation or damages if it transpires that the information so communicated was erroneous or by reason of any omission of the Board to obtain or circulate such information.

Information and Inspection

81.—(1) The Board may, whenever they consider it necessary for the operation of this 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 potatoes as may be specified in the demand.

(2) The Board may by prescriptive resolution from time to time require any registered producer who sells potatoes to send to the Board within the prescribed time after the sale such written particulars of the sale as may

be prescribed being particulars which the Board consider necessary for the operation of this Scheme. Any resolution made pursuant to this sub-paragraph may apply to all sales of potatoes or to such classes of sales as may be defined in the resolution.

82.—(1) Any person authorised in writing by the Board may for the purpose of securing compliance with this 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 potatoes or for doing either of the following things which is for the time being regulated under this Scheme, that is to say, packing and storing potatoes.

(2) A person so authorised as aforesaid may purchase from the producer specified in the authority samples of potatoes produced by him.

Penalties

83.—(1) (*a*) If any registered producer fails without reasonable excuse to comply with any demand or requirement made by the Board in pursuance of paragraph 81 of this Scheme, or if he knowingly or recklessly makes any false statement in complying therewith, or if he obstructs or interferes with any person duly authorised by the Board under paragraph 82 (1) of this Scheme, the Disciplinary Committee hereinafter described shall impose upon him and the Board shall recover from him such monetary penalty not exceeding two hundred pounds as that Committee think just.

(*b*) If any registered producer contravenes any prescription made by the Board pursuant to the provisions of paragraphs 71, 72, 73 or 75 of this Scheme, the Disciplinary Committee shall impose upon him and the Board shall recover from him such monetary penalty not exceeding £100 or a sum representing £5 per acre of his potato acreage, whichever is the greater, as that Committee think just.

(*c*) No such penalty shall be imposed in respect of any such contravention as aforesaid which constitutes an offence under any Act other than the Act of 1931.

(2) (*a*) There shall be a Committee of the Board, to be known as the Disciplinary Committee, constituted, at each sitting thereof, of not less than four nor more than six members of the Board and a chairman who is not a member of the Board but is an independent person who is a barrister of not less than seven years' standing, an advocate of not less than seven years' standing, or a solicitor of not less than seven years' standing and is approved by the Minister.

(*b*) No penalty shall be imposed on a registered producer pursuant to this paragraph except after a hearing by the said Committee and by the decision thereof taken in accordance with the opinion of the majority of the members thereof, so however that if there is an equal division of opinion on any question, the opinion of the chairman shall prevail. At any such hearing the producer shall be entitled to appear and be heard in person or by counsel or solicitor or by any other person authorised by him.

(*c*) Notice of the time and place of every such hearing and a written statement of the charge against the producer in question shall be served personally or by registered post on that producer not later than the 14th day before the day of the hearing.

(*d*) No penalty shall be imposed for any such contravention which occurred more than 6 years before the service of the said written statement of charge.

(*e*) Where a written statement of charge against a producer has been sent to or served on him as aforesaid and the charge is withdrawn or not substantiated before the said Committee the Board shall have the power and to such extent as the Committee may decide the duty to make payments to the producer in respect of his costs in connection with the charge.

(*f*) The said Committee, if they find that a contravention has occurred, may postpone the imposition of a penalty for a period not exceeding twelve months.

(3) As soon as may be after every hearing by the Disciplinary Committee, written notice of their decision shall be sent to the registered producer in question, and he may, on or before the 14th day after the date on which the notice was so sent to him, give notice to the Board referring the matter to arbitration under the provisions of this Scheme, and, if the matter is so referred no proceedings shall be taken by the Board otherwise than for the purposes of the arbitration or to enforce the award of the arbitrator; and the arbitrator may award payment by the producer of such penalty or other sums (if any) as he thinks just but not exceeding the maximum penalty or other sums respectively which could have been imposed or required by the Disciplinary Committee.

(4) Where a decision has not been referred to arbitration under sub-paragraph (3) of this paragraph, the said Committee shall have the power to reconsider that decision if upon considering any written application in that behalf by the producer concerned made within six months after the date of the original hearing by the said Committee, the Committee are satisfied that:—

(*a*) there may be facts relevant to the case other than the facts which were before the Committee at the original hearing; and

(*b*) if such other facts had previously been known to the Committee their decision would have been influenced thereby.

(5) (*a*) If the said Committee determine pursuant to the last preceding sub-paragraph of this paragraph to reconsider any decision it shall be their duty to rehear the case and if as a result they are of opinion that a substantial miscarriage of justice has occurred they shall vary the previous decision of the Committee and the Board shall thereupon give effect to any such variation.

(*b*) The provisions of sub-paragraphs (2) (*b*) and (2) (*c*) and (3) of this paragraph shall apply to every such rehearing.

(6) Subject as aforesaid every penalty imposed and every sum required to be paid to the Board by a decision of the Disciplinary Committee shall be a debt due to the Board and recoverable accordingly.

Contributions by Registered Producers

84.—(1) The Board may from time to time by prescriptive resolution require every registered producer to contribute to the fund such sums as the Board may determine to be necessary for the operation of this Scheme.

(2) Such sums as aforesaid required to be contributed by any registered producer shall not in respect of the calendar year in respect of which they are prescribed exceed the aggregate of:—

(*a*) twenty shillings per acre of the acreage of potatoes planted for harvesting in that calendar year on land in his occupation at noon on such day in the month of May or June in that year as the Board prescribe, and

(*b*) in the case of a producer who has exceeded his quota acreage in that year, if it is a quota year, ten pounds per acre of the excess acreage.

(3) For the purposes of this paragraph—

(*a*) the Board shall not later than the 31st August in every calendar year prescribe whether or not the next ensuing calendar year is to be a quota year;

(*b*) a registered producer shall be deemed to have exceeded his quota acreage in any calendar year if that year is a quota year and there has been planted for harvesting in that year on land in his occupation at noon on such day in the month of May or June in that year as the Board prescribe an acreage of potatoes exceeding his quota acreage for that year (calculated as at that time and in accordance with the provisions of Schedule D of this Scheme).

(4) Where a registered producer offers to sell potatoes to the Board, the Board may (whether or not the Board purchases the potatoes) charge to the registered producer a sum representing such expenses as the Board consider are reasonably attributable to the inspection of such potatoes by or on behalf of the Board and the Board may require the producer to pay such expenses or any part thereof to the Board before such inspection is made.

(5) Any sum required by the Board to be contributed by a registered producer under this paragraph shall be payable on such date or dates as the Board may prescribe and recoverable as a debt due to the Board.

Advances

85. The Board:—

(*a*) may lend to any registered producer on such security (if any) and on such terms as to interest and otherwise as they think fit sums not exceeding in all two-thirds of the total amount which the Board estimate that he will receive from the sale of potatoes produced or in course of production by him;

(*b*) may guarantee payment of any sums secured by an agricultural charge created by a registered producer under Part II of the Agricultural Credits Act, 1928(**a**).

Surplus Funds

86. The Board may set aside reserves and may utilise such reserves for the operation of this Scheme in such manner as the Board may think fit but subject thereto any moneys standing to the credit of the fund which in the opinion of the Board are not required for the operation of this Scheme, shall be distributed among the registered producers in such manner as the registered producers shall in general meeting determine.

Compensation

87. If any registered producer of any class or who produces potatoes in any district satisfies the Board, or establishes by arbitration in accordance with Part IX of this Scheme that he, having complied with all the provisions of this Scheme or any determination of the Board thereunder, has suffered loss or damage by reason of the Board unfairly discriminating between him and any other registered producer of that class or who produces potatoes in that district, as the case may be, he shall be entitled to receive from the Board such sum by way of compensation as may be necessary to make good the loss or damage.

(**a**) 18 & 19 Geo. 5. c. 43.

PART VIII

AMENDMENT AND REVOCATION OF SCHEME AND WINDING UP OF THE BOARD

88.—(1) Before submitting a substitutional scheme or an amendment of this Scheme to the Minister, the Board shall publish the proposed scheme or amendment by serving notice and particulars thereof on every registered producer.

(2) A poll on the question whether or not a substitutional scheme or an amendment of this Scheme shall be submitted to the Minister may, within one month from the publication thereof, be demanded in writing by at least 1,000 registered producers who have in the aggregate a potato acreage of at least 20,000 acres.

(3) A poll on the question whether or not this Scheme is to be revoked may be demanded in writing by at least 1,000 registered producers who have in the aggregate a potato acreage of at least 20,000 acres; but no poll on the question whether or not this Scheme is to be revoked shall, without the consent of the Board, be taken within three years from the date of the declaration of the result of any previous poll on that question.

89.—(1) Part IX of the Companies Act, 1948(**a**), (which relates to the winding up of unregistered companies) shall apply in relation to the Board subject to the modifications set out in paragraphs 4 to 8 of the Second Schedule to the Act.

(2) In the event of the winding up of the Board, contributions under paragraph 7 of the Second Schedule to the Act shall be assessed proportionately to the maximum number of acres of land in Great Britain which each contributor had under potatoes at any time during the relevant period as defined in that Schedule and shall not exceed 1s. per acre.

PART IX

MISCELLANEOUS

90. Any producer who is aggrieved by an act or omission of the Board may refer the matter to the arbitration of a single arbitrator to be agreed upon between the producer and the Board or, in default of agreement, to be nominated by the Minister on the application of either party, and the arbitrator may make such order in the matter as he thinks just. Every such arbitration may be held either in England or in Scotland as the arbitrator may think fit. If held in England it shall be conducted in accordance with the law of England, and the Arbitration Act, 1950(**b**), shall apply in relation thereto; if held in Scotland it shall be conducted in accordance with the law of Scotland.

91.—(1) Where any provision of this Scheme authorises the Board to make a determination by prescriptive resolution, the resolution shall be recorded by the Board in a separate record of prescriptive resolutions, and as soon as practicable the Board shall send a copy of such resolution to every registered producer who may be concerned therewith:

Provided that the accidental omission to send such a copy or the non-receipt of any such copy by any registered producer shall not invalidate the resolution.

(2) Such record shall be open for inspection at the head office of the Board from 10 a.m. to 4 p.m. on week days other than Saturdays, except on Christmas Day, Good Friday and any Bank Holiday; and any person shall be entitled to be supplied with a copy of any entry therein on payment of a fee not exceeding 1s. in respect of each prescriptive resolution copied, or to take extracts therefrom for his own use free of charge.

(**a**) 11 & 12 Geo. 6. c. 38. (**b**) 14 Geo. 6. c. 27.

Paragraph 10.

SCHEDULE A

District Members of the Board

There shall be thirteen districts bearing respectively the names set out in the first column of the following table and each district shall consist of the areas specified opposite thereto in the second column of that table and shall be represented by district members to the number specified in the third column thereof.

Name of District	Area	No. of Board members
1. South-Western ...	Somersetshire ... ... Dorsetshire ... ... Devonshire ... ... Cornwall (including the Isles of Scilly)	one member.
2. South-Eastern ...	Kent ... ... Surrey ... ... Middlesex and London (including the City) ... ... Sussex ... ... Berkshire ... ... Hampshire ... ... The Isle of Wight ... ... Oxfordshire ... ... Buckinghamshire... ... ... Bedfordshire ... ... Wiltshire	two members.
3. Eastern	Norfolk ... ... Suffolk ... ... Essex ... ... Hertfordshire	two members.
4. Lincoln	Lincolnshire	four members.
5. East Midland ...	Nottinghamshire... ... ... Derbyshire ... ... Leicestershire ... ... Rutland ... ... Northamptonshire (including the Soke of Peterborough) ... Huntingdonshire... ... ... Cambridgeshire (including the Isle of Ely)	three members.
6. West Midland ...	Cheshire ... ... Shropshire ... ... Staffordshire ... ... Warwickshire ... ... Worcestershire ... ... Gloucestershire ... ... Herefordshire	two members.
7. Northern	Cumberland ... ... Northumberland... ... ... Durham (the whole County) ... Westmorland ... ... Lancashire ... ... Yorkshire...	four members.

Name of District	Area	No. of Board members
8. WALES	Wales and Monmouthshire ...	one member.
9. NORTH-EAST SCOTLAND	Aberdeenshire ... ... Kincardineshire ... ... Angus ... ... Perthshire...	two members.
10. CENTRAL SCOTLAND ...	Fifeshire ... ... Stirlingshire ... ... Kinross-shire ... ... Clackmannanshire	one member.
11. SOUTH-EAST SCOTLAND	Roxburghshire ... ... Berwickshire ... ... Selkirkshire ... ... Peeblesshire ... ... East Lothian ... ... Midlothian ... ... West Lothian	one member.
12. NORTH AND NORTH-WEST SCOTLAND.	Orkney ... ... Zetland ... ... Caithness ... ... Sutherland ... ... Ross and Cromarty .. ... Inverness-shire ... ... Nairnshire ... ... Morayshire ... ... Banffshire... ... ... Argyllshire	one member.
13. SOUTH-WEST SCOTLAND	Wigtownshire ... ... Kirkcudbrightshire ... ... Dumfriesshire ... ... Ayrshire ... ... Lanarkshire ... ... Dunbartonshire ... ... Buteshire ... ... Renfrewshire	one member.

Paragraph 48. SCHEDULE B

Form of Voting Paper

THE POTATO MARKETING BOARD

To (1) .....

A poll is being held under the Potato Marketing Scheme, 1955, on the following question, to which voters must answer " Yes " or " No ".

(2) ..... ?

Answer " Yes " or " No ".....

The next two questions relate to land in your occupation on the

(3).....of.....

What was the highest acreage of such land which was under potatoes during the calendar year (4).....planted either by yourself or by a previous occupier?

Answer.....Acres.

If no potatoes were planted on such land during the calendar year (4)..... give the highest acreage of such land which was under potatoes during the calendar year (5).....planted either by yourself or by a previous occupier.

Answer.....Acres.

Signature of registered producer.....

In reckoning acreage, headlands not planted must be included.

If you wilfully mis-state the acreage or acreages under potatoes which you are asked to state above, you will render yourself liable to imprisonment or a heavy fine or both.

Your vote will not count unless this paper, properly completed and signed, and with the postage prepaid, reaches the office of the Returning Officer at

(6)..... on or before

(7)..... (8).....

.....

Returning Officer

The Returning Officer must fill in:—

(1) the name and address of the registered producer
(2) the question on which the poll is being taken;
(3) the qualifying date;
(4) the appropriate calendar year;
(5) the calendar year preceding (4);
(6) the address of the Returning Officer;
(7) the appropriate date as fixed by the Board;
(8) such explanations of the terms used as the Returning Officer may agree with the Board. Such explanations may appear on the back of the voting paper.

Paragraph 77. SCHEDULE C

COMMODITIES WHICH THE BOARD MAY PRODUCE FROM POTATOES

(1) Animal feedingstuffs in the form of meal, slices, flakes, cossettes and nuts;

(2) Human foods in the form of:—

(*a*) dried slices, flakes, dice, strips or flour;

(*b*) chipped, diced, sliced or whole canned;

(*c*) crisps or chips fried in fat or oil;

(3) Farina and starch products for use in industry, glucose, sugars, syrups, dextrine and adhesives prepared from starch;

(4) Alcohols and synthetic organic chemicals prepared from ethyl alcohol;

(5) Plastic and synthetic resins for use in the moulding, varnish and paint industries.

Paragraph 84. SCHEDULE D

PROVISIONS FOR ASCERTAINING QUOTA ACREAGES

1.—(1) If the Board prescribe that any calendar year is to be a quota year for the purposes of this Scheme then not later than the 31st August in the immediately preceding calendar year, the Board shall prescribe that for the said quota year the quota acreage of every registered producer shall be—

(*a*) equal to his basic acreage for the said quota year, or

(*b*) his basic acreage increased by an appropriate variation, or

(*c*) his basic acreage decreased by an appropriate variation:

Provided that at any time prior to the next ensuing 31st December the Board may, by prescriptive resolution, raise the quota acreage of every registered producer so determined as aforesaid by an appropriate variation.

(2) In this paragraph the expression "appropriate variation" in relation to a registered producer means such fraction of his basic acreage as may have been specified in any such prescription of the Board being a fraction uniform for all registered producers.

(3) If the quota acreage of a registered producer, calculated in accordance with the foregoing provisions of this paragraph, would amount to part of an acre or to one or more acres and a part of an acre, the said part shall be deemed to be one acre.

2.—(1) The basic acreage of every registered producer for the year ending on the 31st December, 1956, shall (subject to any increase or diminution thereof under paragraph 4 or 5 of this Schedule) in respect of the land in Great Britain in his occupation at any time in that year be the average annual acreage of that same land which was under potatoes at any time during the three years ending on the 31st December, 1953:

Provided always that where a registered producer during the year ending on the 31st December, 1956, comes into occupation of any land in such circumstances that he is entitled to a basic acreage under the provisions of paragraph 4 of this Schedule, that land shall be left out of account for the purposes of this sub-paragraph.

(2) The basic acreage of a producer who was registered during the year ending on the 31st December, 1956, for any calendar year subsequent to that year shall (subject to any increase or diminution thereof under paragraph 4 or 5 of this Schedule) be the same as his basic acreage for the said year ending on the 31st December, 1956.

(3) The provisions of this paragraph shall not apply to any such general reallotment as is provided for in the next succeeding paragraph of this Schedule.

3. The Board shall periodically review the allotment of basic acreages and, as a result of any such review, may by prescriptive resolution determine that there shall be a general reallotment and accordingly that—

(*a*) the existing basic acreages of all registered producers shall lapse upon such date as the resolution may specify, and

(*b*) as from the same date basic acreages shall be allotted to all registered producers on such basis as is specified in the resolution.

4. If a registered producer entitled to a basic acreage ceases to occupy for agricultural purposes any of his agricultural land, his basic acreage may be extinguished or reduced as the Board think fit and any person who satisfies the Board that he has come into occupation for agricultural purposes of any of the said land shall (over and above any basic acreage to which he is otherwise entitled) be entitled for the current and all subsequent years until the next general reallotment to have as a basic acreage so much of the basic acreage to which the said registered producer was entitled as the Board think proper:

Provided that where notice is duly given to the Board in accordance with sub-paragraph (2) of paragraph 5 of this Scheme of any such arrangement as is mentioned in that sub-paragraph, then as from the end of the calendar year mentioned in that sub-paragraph any variation of the basic acreage of either or both of the producers concerned which may have occurred as a result of such arrangement shall cease to have effect and each of those producers shall for the future be entitled to basic acreage as if the arrangement had not been made.

In making any decision under this paragraph, the Board shall have regard to all relevant considerations and shall have regard in particular to the extent and nature of the land which has passed into the occupation of the said person as compared with the extent and nature of all the land which was in the occupation of the said registered producer.

5. On any application in that behalf the Board may, in any case of hardship or unusual circumstances or for the purposes of good husbandry, allot for the current and all subsequent years until the next general reallotment such basic acreage as they may think proper and may undertake to allow such acreage to the future occupier of any particular holding as and when he becomes a registered producer.

EXPLANATORY NOTE

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

By this Order the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland approve the Potato Marketing Scheme, 1955, set out in the Schedule and bring it into force on the 10th May, 1955. By the terms of the Scheme a producer of potatoes may not sell potatoes produced in Great Britain, if he is neither registered under the Scheme nor exempt from registration on certain specified grounds (including occupation of a potato acreage of less than one acre).

The principal matters provided for by the Scheme are—

(1) the constitution of a Board to administer it, the election of members thereto and the procedure of the Board and its committees;

(2) the keeping of a register of producers;

(3) the procedure for holding polls;

(4) regulatory powers in relation to sales of potatoes by registered producers including power to determine (within specified limits) the terms of sale and the minimum price, the description of potatoes that may be sold and the persons to whom they may be sold and power for the Board's Disciplinary Committee to impose a penalty for a breach of any such determination;

(5) miscellaneous powers including the power to buy and sell potatoes, to produce certain commodities therefrom and to supply goods and services required for the production, etc. of potatoes; and

(6) the contribution by registered producers to the Board's fund.

The Scheme also revokes the Potato Marketing Scheme, 1933, dissolves the Board constituted thereby and transfers all its assets and liabilities to the Board constituted by the present Scheme.