4.—(1) The school authorities shall make suitable arrangements for the discharge of a teacher's duties during a period of secondment under these Regulations and may, if necessary, appoint a teacher to perform these duties.

(2) A teacher appointed temporarily to a school or institution under this Regulation shall be so appointed under an approved contract of service and provided he complies with the requirements of the Teachers Compulsory Absence and Special Sick Leave Regulations (Northern Ireland), 1954(a), shall be entitled to the benefits of those Regulations.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 10th day of July, nineteen hundred and sixty-one.

(L.S.) *Leslie Arndell,*
Assistant Secretary.

The Ministry of Finance hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 10th day of July, nineteen hundred and sixty-one.

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations provide for the secondment of teachers for a period of teaching service not exceeding three years to countries abroad.

1961. No. 164 **[C]**

AGRICULTURAL MARKETING

Seed Potatoes

ORDER, DATED 11TH JULY, 1961, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 1(3) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND), 1933(b).

Whereas the Ministry of Agriculture (hereinafter called "the Ministry") in exercise of the powers conferred on it by the Agricultural Marketing Acts (Northern Ireland), 1933 to 1955(c), framed a Scheme regulating the marketing of seed potatoes:

And whereas in pursuance of the provisions of the First Schedule to the Agricultural Marketing Act (Northern Ireland), 1933, notice of the framing of

(a) S.R. & O. (N.I.) 1954, No. 46.
(b) 23 & 24 Geo. 5, c. 22 (N.I.).
(c) 1955, c. 22 (N.I.).

the said Scheme and of the period during which objections and representations with respect thereto might be made was published in the *Belfast Gazette* of 5th May, 1961:

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

Now, therefore, the Ministry in exercise of the powers conferred on it by sub-section (3) of section one of the Agricultural Marketing Act (Northern Ireland), 1933, hereby makes the following Order:—

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

2. The said Scheme shall come into force on the 17th day of July, 1961.

3. This Order may be cited as the Seed Potato Marketing Scheme (Approval) Order (Northern Ireland), 1961.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this eleventh day of July, nineteen hundred and sixty-one, in the presence of

(L.S.) *W. Howe Elliott,*
Assistant Secretary.

SCHEDULE

Seed Potato Marketing Scheme (Northern Ireland), 1961

PART I

PRELIMINARY

1. This Scheme may be cited as the Seed Potato Marketing Scheme (Northern Ireland), 1961.

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

"Accounting period" means a year commencing on 1st July and ending on 30th June following;

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

"Merchant" means a person who buys seed potatoes or any description thereof for resale, other than by retail, notwithstanding that he may at the same time be a producer or registered producer of seed potatoes;

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

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

"Prescribed" means prescribed by the Board by resolution;

"Producer" means a producer of seed potatoes;

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

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

"Seed potatoes" means potatoes produced in Northern Ireland from a crop in respect of which the Ministry has issued a certificate as to the varietal purity and freedom from disease;

"The Acts" means the Agricultural Marketing Acts (Northern Ireland), 1933 to 1955;

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

"The Principal Act" means the Agricultural Marketing Act (Northern Ireland), 1933.

PART II

THE BOARD

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

4.—(1) Until 30th June, 1962, the Board shall consist of the following persons:—

F. C. Tughan, Esq., 26 Downshire Road, Bangor (Chairman).
D. T. Allen, Esq., Derryloiste, Lurgan.
D. Beattie, Esq., Knockroe, Douglas Bridge, Strabane.
R. A. Brown, Esq., O.B.E., J.P., Moneyhaw, Moneymore.
C. H. Burnett, Esq., M.B.E., 27 Ravenscroft Road, Chiswick Park, London, W.4.
A. Cromie Esq., Millvale, Ballynamagna, Rathfriland.
T. F. Curry, Esq., Lisnagault, Cloyfin, Coleraine.
S. Fleming, Esq., Tullyreagh, Maguiresbridge.
T. Lindsay, Esq., Rathcunningham, Toye P.O., Belfast.
C. Lyle, Esq., Druckendult, Ballymoney.
M. Taylor, Esq., High Street, Draperstown.
S. Todd, Esq., Drumadarragh, Doagh.
V. Wright, Esq., Newbuildings, Cookstown.

(2) Thereafter the Board shall consist of thirteen members of whom three shall be appointed members, that is to say, they shall be appointed and may be removed by the Minister and ten shall be elected members, that is to say, they shall be elected by registered producers in the following manner and according to the following numbers, that is to say:—

(*a*) Six members who shall be known as County members one each of whom shall be elected by registered producers residing in each of the administrative counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone; and

(*b*) Four members who shall be known as Regional members shall be elected by the general body of registered producers in Northern Ireland.

(3) For the purposes of the election of County members—

(*a*) that portion of the County Borough of Belfast which is to the west

of the River Lagan shall be deemed to be part of the administrative county of Antrim;

(*b*) that portion of the County Borough of Belfast which is to the east of the River Lagan shall be deemed to be part of the administrative county of Down; and

(*c*) the County Borough of Londonderry shall be deemed to be part of the administrative county of Londonderry;

and references in this Scheme to the said administrative counties shall be construed accordingly.

5.—(1) The County members first elected for the administrative counties of Antrim, Armagh and Down shall hold office for two years; the remaining County members and any County members subsequently elected shall hold office for four years. The two Regional members who on the occasion of the first election poll the least number of votes shall hold office for two years; the remaining two Regional members and any Regional members subsequently elected shall hold office for four years.

(2) An election for County members and Regional members shall be held in 1962 and thereafter elections shall be held at such intervals as are appropriate in relation to the terms of office defined in the foregoing sub-paragraph.

(3) Every elected member shall, subject to the provisions of the Scheme, take office on the first day of July following his election and shall hold office until the thirtieth day of June in the year in which the next election for his county or region takes place.

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

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

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

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

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

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

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

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

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

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

8.—(1) If—

(*a*) a candidate for an administrative county is not nominated in accordance with Part IV the Board shall co-opt a person to represent the said county;

(*b*) an elected member of the Board dies or ceases to hold office under paragraph 7 the Board shall co-opt a person in his place.

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

9. The Board shall elect from among their members a vice-chairman and after the expiration of the period of office of the first chairman to be designated by the Minister, under the Principal Act, a chairman. The chairman and vice-chairman so elected shall, provided they remain members of the Board, hold office for four years and if re-appointed or re-elected to the Board shall be eligible for re-election as chairman and vice-chairman.

10.—(1) The Board shall at all times have power to act notwithstanding any vacancy among their members and may appoint committees out of their own number.

(2) The Board shall appoint an executive committee consisting of not more than eleven of their members who shall include the chairman and vice-chairman of the Board and any members appointed by the Minister not being such chairman or vice-chairman.

(3) The chairman and vice-chairman of the Board shall, ex-officio, be chairman and vice-chairman of the executive committee. The executive committee shall have the full powers of the Board for the administration of this Scheme but shall report their proceedings to and obey any directions of the Board.

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

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

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

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

13. Minutes shall be kept of the proceedings of the Board and of any committee thereof, and any such minutes shall, if signed by a person purporting

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

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

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

16. The Board—

(1) may, subject to the provisions of section 10 of the Principal Act, as amended by section 6 of the Agricultural Marketing (Amendment) Act (Northern Ireland), 1955, employ a Secretary and such other officers, servants and agents as they think fit;

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

(3) may 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.

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

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

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

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

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

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

(4) A member of the Board shall not vote upon any question relating to any contract to which he is a party or in which he has any interest; and if he does

vote, his vote shall not be counted. Provided that nothing in this provision contained shall preclude a member of the Board from voting on any question relating to the general policy of the Board.

PART III

REGISTRATION OF PRODUCERS

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

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

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

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

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

23. For the purposes of this Scheme any person who buys, or otherwise acquires, as a growing crop, seed potatoes or any description thereof shall be deemed to be the producer of that crop.

PART IV

ELECTIONS

24. This Part shall apply where an election for Regional or County members is required to be held in accordance with the provisions of Part II.

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

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

(3) The closing date for nominations shall be not later than the second Wednesday in April in the year in which the election is to be held.

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

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

(3) The proposers, seconders and assenters must be registered in the register of producers at the thirty-first day of December in the year preceding the year in which the election is to be held and in the case of the election of a County member must be registered as residing in the administrative county for which the candidate is nominated.

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

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

28.—(1) Where—

(*a*) only one candidate has been nominated as a County member for an administrative county; or

(*b*) the number of candidates nominated as Regional members is equal to or less than the number of vacancies;

the Ministry shall declare the candidate or candidates, as the case may be, duly elected.

(2) Where—

(*a*) more than one candidate has been nominated as a County member for an administrative county; or

(*b*) the number of candidates nominated as Regional members exceeds the number of vacancies;

the Ministry shall hold an election as provided for in the next succeeding paragraph.

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

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

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

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

(5) The Ministry shall appoint such person as it thinks fit to count the votes and to give to the Board, not later than the third Wednesday in June in the year in which an election is held, a certificate stating the result of the

election and declaring to be elected the candidate or those candidates (as the case may require) who receive the most votes.

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

(7) The result of an election shall be published by the Ministry in such manner as it thinks fit as soon as possible after the third Wednesday in June in the year in which the election is held.

PART V

FINANCIAL PROVISIONS

30.—(1) For the purpose of securing for registered producers the benefits of any guarantee under Part I of the Agriculture Act, 1947, the Board may enter into any agreement with the Minister or the Minister of Agriculture, Fisheries and Food or with the nominee of either and pay or receive money in pursuance of this agreement.

(2) The Board shall exercise their powers under this Part of the Scheme subject to the terms of any such agreement as aforesaid.

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

32.—(1) The Board shall establish a fund which shall be administered and controlled by the Board. All monies received by the Board whether from the sale of seed potatoes or on foot of any agreement made with the appropriate Minister under paragraph 30(1) or from any other source shall be paid into the fund and any monies required by the Board either for the operation of this Scheme or for any grant which the Board are empowered to make or for any payment which they may be liable to make under any guarantee which they are empowered to give or under any agreement made with the appropriate Minister under paragraph 30(1) or otherwise for the purposes of the Acts in their application to this Scheme shall be paid out of the fund. Any monies for the time being standing to the credit of the fund may be left on current or deposit account in any bank or invested in any securities in which a trustee might lawfully invest trust monies under the powers of the Trustee Act (Northern Ireland), 1958, as extended or amended by any enactment for the time being in force in Northern Ireland.

(2) The Board may in the exercise of their powers under paragraph 37 invest money either by way of loan or mortgage, purchase of shares or otherwise, in any business undertaking engaged in the production of any of the commodities specified in Schedule A to this Scheme.

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

(4) The Board may accept from any other person any grant to be applied for any of the purposes for which the Board are empowered to spend money. The Board may agree with the person proposing to make a loan or grant as

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

33.—(1) The Board shall keep proper accounts and in particular shall keep a separate Administrative Account and a separate Trading Account and shall annually make out a Balance Sheet and either a Profit and Loss Account or, if the Board do not trade for profit, an Income and Expenditure Account, and shall cause them to be audited by a member of an Institute of Chartered Accountants or of the Association of Certified and Corporate Accountants, and as soon as may be after the auditor has reported thereon and in any case within six months of the close of the period covered by the Profit and Loss or Income and Expenditure Account, shall send to the Ministry and to every registered producer a copy thereof and of the report of the auditor thereon, and also a report by the Board as to the working of this Scheme in the period covered by the Profit and Loss or Income and Expenditure Account which report shall include a statement of the manner in which monies are invested.

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

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

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

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

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

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

PART VI

PRODUCERS' LIABILITY TO PAY CONTRIBUTIONS AND LEVIES

36.—(1) Contributions—A registered producer shall pay to the Board a contribution of such amount per ton of seed potatoes sold by him as the Board may, with the approval of the Ministry, from time to time determine to be necessary for the operation of this Scheme or otherwise for the purposes of the Acts. Such contributions shall be assessed by reference to transactions in seed potatoes by each registered producer over such period as the Board, with the approval of the Ministry, may determine.

(2) Levies—The Board may, subject to the provisions of Section 7(3) of the Principal Act, impose levies on registered producers or any class thereof—

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

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

PART VII

GENERAL POWER TO REGULATE MARKETING

37.—The Board may—

(1) buy, sell, grade, pack, store, adapt for sale, insure, advertise and transport seed potatoes, so however that it shall be a condition of any sale by the Board that the ownership of the seed potatoes sold by the Board shall pass in Northern Ireland;

(2) produce from seed potatoes which are not disposed of as such by the Board the commodities specified in the Schedule and may sell, grade, pack, store, adapt for sale, insure, advertise and transport any commodity so produced by the Board;

(3) determine from time to time—

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

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

(4) require registered producers to sell seed potatoes or any description thereof or such quantity thereof or of any description thereof as may from time to time be determined by the Board, only to or through the agency of the Board;

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

(6) buy and sell or let for hire to registered producers anything required for the production, adaptation for sale, or sale of seed potatoes;

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

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

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

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

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

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

PART VIII

PRESCRIBED CONTRACTS

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

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

(2) the prices at, below or above which, or the method of arriving at the prices at which seed potatoes or any description thereof may be sold, and such prices

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

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

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

(*a*) that the registered producer shall give to the Board a warranty as to the variety, quality and dressing of the seed potatoes or any description thereof;

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

(*c*) that the Board or the person to whom the Board may have sold the seed potatoes or any description thereof shall have the right to reject the seed potatoes or any description thereof if they are unsuitable for sale for planting;

(*d*) that the Board shall not lose their right to reject seed potatoes or any description thereof by reason of their having purported to sell the same;

(4) in the case of a contract between the Board and a merchant, that the Board may cancel such contract if they are satisfied that the merchant has acted unreasonably in the rejection of seed potatoes or any description thereof.

PART IX

CONSULTATION WITH REPRESENTATIVES OF MERCHANTS

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

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

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

(*b*) the persons to or through the agency of whom seed potatoes may be sold by the Board.

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

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

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

(*b*) the prices at, below or above which the Board may sell seed potatoes.

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

PART X

EXEMPTED SALES

41. Nothing in this Scheme shall apply to any of the following classes of sale, namely:—

(*a*) sales of seed potatoes to a retailer for resale in the course of his retail business;

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

(*c*) sales of seed potatoes in lots or parcels of 112 lb. 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 seed potatoes sold exceeds 112 lb., 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.

PART XI

PENALTIES

42. Subject to the provisions of the Principal Act, the Board shall impose on, and recover from, any registered producer who contravenes any provision contained in sub-paragraphs (3), (4) and (5) of paragraph 37 and in paragraph 43 such monetary penalty, not exceeding £100, as the Board may decide.

PART XII

MISCELLANEOUS

43.—(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 seed potatoes as the Board with the approval of the Ministry may determine.

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

44. 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 seed 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 seed potatoes.

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

46.—(1) Any producer who is aggrieved by any act or omission of the Board may refer the matter to the arbitration of a single arbitrator to be agreed upon by such producer and the Board or, in default of agreement, to be nominated by the Minister.

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

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

SCHEDULE A

Commodities which the Board may produce from Seed Potatoes

(1) Animal foods 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.

EXPLANATORY NOTE

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

By this Order the Ministry of Agriculture approves the Seed Potato Marketing Scheme (Northern Ireland), 1961, and brings it into force on the 17th July, 1961.

The principal matters provided for by the Scheme are—

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

(2) the registration of producers;

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

(4) financial provisions;

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

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

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