

1984 No. 133

AGRICULTURE

**Agricultural Marketing (Committee of Investigation) Regulations
(Northern Ireland) 1984***Made* 19th April 1984*Coming into operation* 11th June 1984

The Department of Agriculture, in exercise of the powers conferred on it by Article 21(5) of the Agricultural Marketing (Northern Ireland) Order 1982(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These regulations may be cited as the Agricultural Marketing (Committee of Investigation) Regulations (Northern Ireland) 1984, and shall come into operation on 11th June 1984.

Interpretation

2. In these Regulations—

“committee” means a committee of investigation appointed under Article 21(1) of the Order;

“complainant” means a person who has made a complaint to the Department;

“complaint” means a complaint in respect of which a committee has been appointed under Article 21(1) of the Order;

“the Order” means the Agricultural Marketing (Northern Ireland) Order 1982.

Meetings, quorum and procedure

3. The meetings, quorum and procedure of a committee shall be regulated in accordance with the provisions of the Schedule.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 19th April 1984.

(L.S.)

R. E. Aiken

Assistant Secretary

SCHEDULE

Meetings, quorum and procedure of a committee

1. The secretary of a committee shall on receipt of the terms of reference send a copy to:—
 - (a) every member of the committee;
 - (b) the board; and
 - (c) the complainant.
2. The secretary shall give notice to the board and the complainant, that they are entitled to make representations in writing to the committee within 28 days of the date of the notice.
3. Where the board makes the representations referred to in paragraph 2, the secretary shall send a copy of such representations to the complainant.
4. Where the complainant makes the representations referred to in paragraph 2, the secretary shall send a copy of such representations to the board.
5. The chairman of a committee shall convene a meeting of that committee for the consideration of the complaint.
6. (1) Subject to sub-paragraph 2, a committee shall sit in private.
(2) A committee may sit in public if—
 - (a) it is in the public interest; and
 - (b) the committee's proceedings would not be seriously impaired.
7. Three members of a committee shall constitute a quorum.
8. Where the chairman is absent from any meeting of a committee the members of that committee who are present shall elect one from among themselves to act as deputy for the chairman and to preside at that meeting.
9. Every question arising at any meeting of a committee shall be decided by a majority of the votes of members present and in the case of an equal division of votes the chairman, or in the absence of the chairman the member acting as deputy for the chairman, shall have a second or casting vote.
10. A committee shall cause minutes of its proceedings to be kept and such minutes shall be signed by the chairman or, in the absence of the chairman, by the deputy for the chairman, at the meeting at which they are approved as correct; and a committee shall also cause a record to be kept showing the names of members present at each meeting.
11. The board may be heard by or submit evidence before a committee, and without prejudice to the provisions of paragraph 13, the board may be represented by the chairman or any member of the board.
12. The complainant and any other affected person may be heard by and submit evidence to a committee.
13. Any person or body entitled under these Regulations to be heard by or to submit evidence to a committee may appear either in person or may be represented by counsel, a solicitor, an agent or any other representative at any meeting of the committee at which evidence is to be taken or at which any person or body is to be heard.
14. A report by a committee to the Department shall be in writing and shall be accompanied by a note of any observations which any member of the committee who dissents from the report, or part thereof, desires to make.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for matters relating to a committee of investigation appointed by the Head of the Department of Agriculture to consider and report to the Department of Agriculture on a complaint made to the Department as to the operation of an agricultural marketing scheme.

The Regulations provide for distribution of the terms of reference, submission and exchange of written representations, convening of meetings, the circumstances in which a committee can sit in public as opposed to holding private sittings, procedural matters relating to meetings, the rights of certain parties to be heard by and to submit evidence before a committee, for representation before a committee and the form of committee report.

The provisions of Article 54 of and Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)), other than paragraphs 1 and 6 thereof, also have effect in relation to a committee of investigation by virtue of Section 23 of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)). Under paragraph 5 of Schedule 8 any person who:—

- (a) refuses or wilfully neglects to attend an inquiry in obedience to a notice under paragraph 3 of that Schedule, or to give evidence; or
- (b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or documents which he may be required to produce by any such notice; or
- (c) refuses or wilfully neglects to furnish any information which he is required to furnish under paragraph 3(1)(b) of that Schedule;

shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £20.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.