

**ISLE OF MAN**  
**SCHEME FOR REGULATING THE MARKETING OF FAT STOCK UNDER**  
**THE AGRICULTURAL MARKETING ACTS 1934 TO 2006**

**PART 1**

**PRELIMINARY AND DEFINITIONS**

**TITLE OF SCHEME**

1. This Scheme may be cited as the Fat Stock Marketing Scheme 2007 and applies to the Isle of Man.
2. The regulated product to which this Scheme applies is Fat Stock in the Isle of Man.

**3. INTERPRETATION**

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 1934 (as amended)

"Association" means the Isle of Man Fat Stock Marketing Association designated under Article 5.

"Calendar Year" means a period of twelve consecutive months beginning on the first day of January.

"the Companies Acts" means the Companies Acts 1931 to 2004 (as amended from time to time).

"Department" means the Department of Agriculture Fisheries and Forestry

"Fat Stock" means animals of any or all of the following classes or descriptions – (a) Cattle, (b) Sheep, (c) Pigs, in the Isle of Man intended for slaughter for human consumption.

"Producer" means a producer of Fat Stock in the Isle of Man.

"Registered" means registered under this Scheme and "Registration" shall be construed accordingly.

"Regulated Product" means Fat Stock and carcasses, hides, skins, fleeces and offals of Fat Stock.

"Society" means the Isle of Man Agricultural Marketing Society designated under the Act.

**4. COMMENCEMENT OF SCHEME**

The Scheme shall come into force on the same day as section 1 of the Agricultural Marketing (Amendment) Act 2006 has full effect.

**PART II**

**CONSTITUTION OF ASSOCIATION TO ADMINISTER THE SCHEME**

5. This Scheme shall be administered by the Isle of Man Fat Stock Association a company limited by guarantee under the companies Acts 1931 to 2003 and is hereinafter in this Scheme referred to as "the Association".

## **REGISTRATION OF PRODUCERS**

6. (a) The Association shall keep a register of producers (in this Scheme called "the Register") and every producer shall, on application to the Association be entitled to be registered therein. The Register shall record the name and address of every producer who applies for registration, and in the case of a producer who ceased to be a Registered Producer, the date on which he ceased to be a Registered Producer. Upon registration a producer shall apply for membership of Society.
  - (b) A company producing fat stock and which is registered under the Companies Acts shall be entitled to be registered.
  - (c) The Register shall be open for inspection at the office of the Association at any reasonable time during the days on which the office is open for business and any person shall be entitled to be supplied with a copy, or obtain copies of the Register, or any part thereof on payment in either case of a fee of 5p and in addition a fee not exceeding 2p for each entry copies in excess of 24, or to take extracts therefrom for his own use free of charge.
  - (d) A copy of any entry in the register purporting to be signed by a Director of the Association to be a true copy shall be evidence of such entry in the Register.
  - (e) A written statement purporting to be signed by a Director of the Association 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 a person is not a Registered Producer at the date stated as the case may be.
7. A Producer applying for registration shall use the form of application issued by or approved by the Association and shall furnish thereon such information as may be required.
8. (a) The Association 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 by virtue of sub-Article 9(a) hereof.
  - (b) The Association 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 Association and thereafter unless the Association, with the approval of the Department, shall otherwise determine the name of a producer shall not be removed from the Register unless he has made application in the appropriate form.

## **EXEMPTION FROM REGISTRATION AND FROM THE PROVISIONS OF THE SCHEME**

9. There shall be exempted from registration and from the operation of this Scheme the following producers:-
  - (a) Departments of Tynwald, Local Authorities, Hospitals, Asylums, Nursing Homes, Schools, Orphanages or similar institutions who do not sell the regulated product either by wholesale or retail, and whose total output is used and consumed exclusively in institutions under their control.

- (b) Producers who export or sell for export and who do not sell Fat Stock which are slaughtered in the Isle of Man and the carcasses of which are consumed in the Isle of Man.
- 10. Notwithstanding the provisions of the foregoing section, the Association shall register any producer who makes application for that purpose.
- 11. The Association shall have power to exempt from all or any of the provisions of the Scheme such producers and sales of such classes or descriptions and to such classes of persons as may be specified in the Scheme or in regulations to be made by the Department under the Act.

### **ELECTION OF FIVE PRODUCER MEMBERS OF THE ASSOCIATION**

- 12. (a) Five Registered Producers shall be elected to serve as Directors of the Association.
  - (b) Of the Directors one shall represent the registered producers residing in the area comprising the Parishes of Jurby, Andreas and Bride, one shall represent the registered producers residing in the area comprising the Parishes of Ballaugh, Michael, Lezayre and Maughold, one shall represent the registered producers residing in the area comprising the Parishes of German and Patrick, one shall represent the registered producers residing in the area comprising the Parishes of Lonan, Onchan, Braddan and Marown and the Borough of Douglas, and one shall represent the registered producers residing in the area comprising the Parishes of Santon, Malew, Arbory and Rushen. The Director representing the Parish (and Borough, as the case may be) need not reside in the area they represent.
  - (c) The Directors shall be those persons who have been elected by the Registered Producers in elections under regulations made by the Department under Section 5B of the Act.
  - (d) Every Registered Producer who has attained the age of sixteen years shall have one vote and every Registered Producer who has attained the age of sixteen years and who fulfils the requirements of paragraph (e) of this Article shall have an additional ten votes.
  - (e) The requirement which shall entitle a Registered Producer to an additional ten votes under paragraph (d) of this Article shall be the sale to the Association of Fat Stock to the value of £1,000 or such other amount as the Association with the approval of the Department may from time to time determine, during the calendar year immediately prior to the day upon which notice of an election is published.
  - (f) In every election held under the provisions of this Article a Registered Producer entitled to more than one vote shall record all his votes for one candidate only.

### **PART III**

#### **FINANCIAL PROVISIONS**

- 13. There shall be established a Fund (hereinafter in this Scheme referred to as "the Fund") which shall be administered and controlled by the Association. All monies received by the Association shall be paid into the Fund and any monies required by the Association for the operation of the 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 may lawfully invest trust monies under the Trustee Act 2001.

14. Every Registered Producer shall be required to pay to the Fund for every calendar year contributions of such amounts and in such manner as the Association, with the approval of the Department, may from time to time determine to be necessary for the operation of the Scheme or otherwise for the purposes of the Act.
15. Each Registered Producer may be required to contribute to the fund such sum per head of the regulated product sold by him as the Association with the approval of the Department shall determine.
16. The contribution of each Registered Producer shall:
  - (a) be paid and satisfied from time to time as and when the Registered Producer sells the regulated product by the Association deducting from the proceeds of sale of the regulated product before payment to the Registered Producer the appropriate amount calculated on the number of head of the regulated product then sold.

Or if the Association shall with the approval of the Department so determine

- (b) be payable annually on or before the 31<sup>st</sup> day of October in each year in which case the contribution shall be calculated on the number of head of the regulated product sold by the Registered Producer as shown by the returns made by him under Article 22 of the Scheme for the preceding calendar year.
17. The amount of any contribution payable by a Registered Producer to the Fund under this Scheme and the amount of any levy imposed upon any Registered Producer under this clause shall be a debt due to the Association from such producer.
18. Producers who have been exempted from registration shall not be required to contribute to the Fund.

### **PROHIBITION OF SALES BY UNREGISTERED PRODUCERS**

19. Subject to the provisions of the Act with respect to existing contracts and to the provisions of this part of the Scheme, a producer who is neither registered nor exempt from registration shall not sell Fat Stock in the Isle of Man.

### **EXEMPTIONS**

20. The Association may from time to time determine that any class or description of producers or sales shall be exempt from such of the provisions of this Scheme as the Association may specify,

### **GENERAL POWERS TO REGULATE MARKETING**

21.
  - (a) The Association may determine from time to time and for such periods as may be fixed by the Association, the price at, below or above which, the terms on which, and the persons to or through the agency of whom, the regulated product may be sold by any Registered Producer.
  - (b) The Association may require the Registered Producer to sell the regulated product or such quantity thereof, or any description thereof, as may from time to time be determined by the Association, only to or through the agency of the Association.

Provided that the powers in sub-Articles (a) and (b) of this Article 21 shall not apply to the regulated products exported from the Isle of Man and shall not be exercised by the Association without the consent in writing of the Department which consent may be either given generally or subject to any particular restrictions or conditions.

### **MARKET SUPPLY INFORMATION**

22. Each Registered Producer shall furnish to the Association, on such dates and for such periods as the Association, with the approval of the Department may from time to time and at any time prescribe the following information:
- (a) the number of head of each or any class of the regulated product sold and or delivered to the buyer, also, if required, the name or names of the buyer or buyers.
  - (b) the number of head of each or any class of the regulated product sold but not yet delivered to the buyer and the name or names of the buyer or buyers.
  - (c) the number of head of each of any class of the regulated product which are or will become available for slaughter for human consumption.
  - (d) the number of head of cattle, sheep or pigs sold for breeding purposes or as store stock, also, if required the name or names of the buyer or buyers.
23. Any person authorised in writing by the Association (including with the approval of the Department any officer of the Department) may for the purpose of securing compliance with the Scheme enter and inspect at any reasonable time, and on production of his authority, any part of the land or premises occupied by any Registered Producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing the regulated product and any Registered Producer shall afford reasonable facilities for such entry and inspection.

### **ARBITRATION IN CASES WHERE PRODUCERS ARE AGGRIEVED**

24. In the event of any producer of the regulated product being aggrieved by any act or omission of the Association, he may within seven days make application to the Association demanding that the matter be referred to an arbitrator appointed by the Department, and the Association shall within fourteen days of the receipt of any such application apply to the Department for the appointment of an arbitrator
25. If a person appointed as arbitrator by the Department dies or is incapable of acting, or for seven days after written notice from either party to the dispute requiring him to act, fails to act, a new arbitrator may be appointed by the Department as if no arbitrator had been appointed. The arbitrator shall make and sign his award within twenty-eight days of his appointment.

### **EVIDENCE**

26. (a) The parties to an arbitration and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the arbitrator on oath in relation to the matters in dispute and shall, subject as aforesaid, produce before the arbitrator all samples, books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for and do all things which during the proceedings the arbitrator may require.

- (b) The arbitrator shall have in relation to witnesses and their examination and the production and inspection of documents similar powers to the High Court of Justice.

### **THE AWARD**

27. (a) If the arbitrator finds that the Association shall be required to rectify any matter, the subject of the reference, the award shall state the manner in which and the date as and from which the matter shall be rectified by the Association.
- (b) The award of the arbitrator shall be final and binding on the parties.
- (c) The arbitrator may correct in any award any clerical mistake or error arising from an accidental slip or omission.

### **EXPENSES**

- 28 (a) The expenses of and incidental to the arbitration and award shall be in the direction of the arbitrator, who may direct to and by whom and in what manner and within what time those expenses or any part thereof are to be paid and those expenses shall be subject to taxation by the First Deemster and Clerk of the Rolls.
- (b) The arbitrator shall in awarding expenses take into account the reasonableness or unreasonableness of the claim of the producer concerned, either in respect of amount or otherwise and any unreasonable demand for particulars or refusal to supply particulars by either party, and generally all the circumstances of the case, and may disallow the expenses of any witness whom he considers to have been called unnecessarily, and any other expenses which he considers to have been incurred unnecessarily.

### **TRANSFER OF PRODUCER INTERESTS**

29. In the event of a Registered Producer dying or becoming subject to legal disability, or entering into a composition or scheme of arrangement with his creditors, and any property in or control of the regulated product is transferred from the Registered Producer to a personal representative, trustee, committee or other person, the personal representative, trustee, committee or other person, as the case may be, shall, in such circumstances and in respect of such matters as may be specified in the Scheme, be deemed to be a Registered Producer.

### **REPORTING**

30. The Association shall, from time to time, report to the Society on any matter which the Society shall require a report, in such manner and within such time as the Society shall direct.

### **REVOCATION**

31. The following Orders are hereby revoked:

Fat Stock Scheme 1935, as amended by  
Fat Stock Scheme Amendment Order 1950  
Fat Stock Scheme Amendment Order 1955  
Fat Stock Scheme Amendment (No. 2) Order 1956  
Fat Stock Scheme Amendment Order 1959  
Fat Stock Marketing Scheme Order 1976  
Fat Stock Marketing Scheme Order 1980