

Agriculture and Horticulture Development Board Order 2008
Requesting a Ballot on Continuation of the Horticulture Levy
Guidance Note

- 1 This Guidance Note C is intended specifically for persons eligible to request a ballot on the horticulture levy.
- 1.1 It provides information on how to request a ballot on whether the horticulture levy should continue.
- 1.2 It is intended to help you establish if you are eligible to request such a ballot.
- 2 The latest versions of this Guidance Note, and a similar Guidance Note on voting in a ballot, are published on AHDB's website at www.ahdb.org.uk/about/Ballot.aspx. The version current at the relevant time will be applied.

Background

- 3 The Agriculture and Horticulture Development Board Order 2008 (the Order) provides for eight levies. They relate to pigs, cattle, sheep, milk, horticulture, potatoes, cereal and oilseeds.
- 4 The Order requires AHDB to hold a ballot on whether the horticulture levy should continue if it receives one or more request(s) to hold a ballot on that levy signed by at least 5% of those entitled to vote in such a ballot, within a period of three consecutive calendar monthsⁱ (in this Guidance Note, a 'requesting period').
 - 4.1 A new requesting period begins on the first day of each month.ⁱⁱ
 - 4.2 The Order sets out who is entitled to vote (see paragraph 6 below).
 - 4.3 Five years must elapse between ballots on the horticulture levy held at the request of those entitled to vote. This does not prevent either AHDB exercising its discretion to hold a ballot at any time or a ballot being held at the request of those entitled to vote in respect of a different levy in those five years. Also, AHDB must hold a ballot at any time if required to do so by the Secretary of State.ⁱⁱⁱ
- 5 Ministers are not bound by the results of a ballot.

ⁱ Article 11(3) of the Order.

ⁱⁱ Article 11(4) of the Order.

ⁱⁱⁱ Articles 11(1), 11(2) and 11(5) of the Order.

Categories of voters

6 In relation to the eight levies, 14 voters and categories of voters are set out in the Order.^{iv}

6.1 There is one category of voters for the horticulture levy:

- Any person^v who pays the horticulture levy (which includes mushroom levy).

Guidance on requesting a ballot

7 **You are eligible to request a ballot on whether the horticulture levy should continue if you can show that you qualify by being a member of the relevant category of voters (see paragraph 6 above) in the calendar month in which you make the request or any of the previous twelve calendar months^{vi} (in this Guidance Note, the 'eligibility period').**

If you pay the horticulture levy (or mushroom levy) in the eligibility period, you may request a ballot about whether the horticulture levy should continue.

7.1 The only ballot that can be requested under the Order is whether a levy should continue.

7.2 If you are eligible in relation to more than one levy, you may request a ballot in relation to any or all of those levies. However, each request must be sent separately.

8 **A request for a ballot must be in writing** (including by email) **and it must be submitted by hand or by email or by post to AHDB's Ballot Officer** (see paragraph 11 below). It will help the Ballot Officer if you mark the outside of your envelope with a prominent 'C'.

8.1 You may find it helpful to use the annexed Identity Form C to request a ballot, although this is not compulsory.

8.2 ***You must:***

- **provide your contact information** (name; business name, if appropriate; address; and, if possible, a telephone number and email address);
- **provide documentary evidence of your eligibility** (see paragraph 7 above) to vote as a member of a specified relevant category of voters (eg copy of recent levy invoice or levy deduction receipt) (if you do not provide sufficient evidence with the request, AHDB will request you to do so within a specified period); and
- **sign your request** (your name on an email will be deemed to be your signature),
or your request will be rejected.

8.3 AHDB may use its levy records and any other available information to establish whether you qualify.

8.4 You may request a ballot jointly with other eligible voters. Each must provide evidence of eligibility and sign the request.

What happens next?

^{iv} Article 12(1) of the Order.

^v Throughout this Guidance Note, 'person' includes individuals and businesses, as appropriate.

^{vi} Article 12(2) of the Order requires the qualification for voting to be satisfied in the twelve months preceding the ballot.

However, when you are requesting a ballot, neither you nor AHDB know when or if a ballot will be held. AHDB will therefore apply this similar period in relation to qualifying to request a ballot.

- 9 AHDB will hold a ballot on whether a levy should continue if this is properly requested by at least 5% of eligible voters within any requesting period.
- 9.1 AHDB estimates that the 5% threshold for the horticulture levy will be approximately 70.
- 9.2 **After each requesting period during which one or more eligible requests have been received for a ballot about a levy**, AHDB will publish at www.ahdb.org.uk/about/Ballot.aspx whether the 5% threshold has been achieved in relation to that levy.
- 9.3 If the threshold has not been achieved, requests received in the first month of the requesting period will be discarded. Any requests received in the second and third months will be transferred to the next requesting period.
- 10 A ballot will take place within a reasonable time, once AHDB is satisfied with the eligibility of those calling for the ballot and the achievement of the threshold.
- 10.1 AHDB will announce that a ballot will be held on its website and by press release. AHDB will not inform requesters or other persons individually.
- 10.2 A separate Guidance Note provides information on voting in a ballot.

Contact information

- 11 **All communications in relation to ballots must be made to the Ballot Officer, AHDB, Stoneleigh Park, Kenilworth, Warwickshire CV8 2TL.**
- 11.1 Requests that a ballot take place must be in writing, and submitted by hand or by post to the above address or by email to ballot@ahdb.org.uk.
- 11.2 Voting papers must be submitted in accordance with the Guidance Note on voting in a ballot.
- 11.3 All other ballot-related communications may be made to the above address or by electronic mail to ballot@ahdb.org.uk.
- 12 AHDB will publish balloting information on its website at www.ahdb.org.uk/about/Ballot.aspx.

Version 4
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Identity Form C₃

Ballot on the Continuation of the Horticulture Levy

Agriculture and Horticulture Development Board Order, Articles 11 and 12

I declare that I qualify to request a Ballot about the continuation of the horticulture levy and I request AHDB to hold such a Ballot.

Levy Reference Number: (if any)

Name:

Business Name:(if any)

Address:

Telephone:

Email address:

I attach evidence to show how I qualify:

List of evidence:
.....
.....
.....
.....

Signed:

Position (eg Director):

Date:, 201.....

NOTE:

You do *not* need to use this form to request a ballot.

You *do* need to provide evidence that you qualify when you request a ballot.

The completed form should be returned to:

**The Ballot Officer, Agriculture and Horticulture Development Board
Stoneleigh Park, Kenilworth, Warwickshire CV8 2TL**