

Agriculture and Horticulture Development Board Order 2008

Voting in a Ballot on Continuation of the Horticulture Levy

Guidance Note

- 1 This Guidance Note provides information on how to vote in a ballot on whether the horticulture levy (which includes levy on mushrooms) should continue. It is intended to help you establish if you are entitled to vote and, if so, the balloting process.
- 2 The latest versions of this Guidance Note, and a similar Guidance Note on requesting 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 permits AHDB to hold a ballot on whether the horticulture levy should continue.ⁱ
 - 4.1 The Order sets out who is entitled to vote (see paragraph 5 below).
 - 4.2 Ministers are not bound by the results of a ballot.ⁱⁱ

Categories of voters

- 5 In relation to the eight levies, 14 voters and categories of voters are set out in the Order.ⁱⁱⁱ
 - 5.1 There is one category of voters for the horticulture levy:
 - Any person^{iv} who pays the horticulture levy.
 - 6 This Guidance Note P is intended specifically for persons eligible to vote in a ballot on the continuation of the horticulture levy.
 - 6.1 It includes the following annexes:
 - Annex 1 – Ballot paper P for voting in a ballot on the continuation of the horticulture levy
 - Annex 2 – Identity Form P for payers of the horticulture levyInformation on the use of these is provided below.

ⁱ Article 11 of the Order.

ⁱⁱ Article 11(7) of the Order.

ⁱⁱⁱ Article 12(1) of the Order.

^{iv} Throughout this Guidance Note, 'person' includes individuals and businesses, as appropriate.

Guidance on voting in a ballot

- 7 **You may vote^v in a ballot on whether the AHDB horticulture levy should continue if you can show that you qualify by being a member of the relevant category of voters (see paragraph 5 above) in the twelve calendar months preceding the ballot.^{vi}**
- 7.1 If you pay horticulture levy at any time in those twelve months, you may vote in relation to a ballot about whether the horticulture levy should continue.
- 7.2 If you are entitled in relation to more than one levy, you may vote in ballot(s), if called, about any or all of those levies.
- 8 **Ballot papers will be available from AHDB's Ballot Officer** (see paragraph 15 below), or by being downloaded from www.ahdb.org.uk/about/Ballot.aspx, as well as being annexed to this Guidance Note.
- 9 **You must complete and sign Identity Form P. You must:**
- **provide your contact information** (name; business name, if appropriate; address; and, if possible, a telephone number and email address);
 - **provide sufficient documentary evidence of your qualification** (see paragraph 7 above) to vote as a member of each relevant category of voters with the request (eg a copy of your most 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,**
- or your vote will be disqualified.***
- 10 Ballot paper P bearing your vote must be placed in an envelope marked 'Ballot Paper P' and bearing no other mark.
- 10.1 That envelope, together with completed and signed Identity Form P and evidence of your entitlement to vote, must be placed inside an outer envelope and posted to or handed in for the Ballot Officer at the address in paragraph 15 below so as to be received not later than the closing time of the ballot. Failure to satisfy these requirements will disqualify the vote(s).
- 10.2 If the votes of more than one voter are contained in any outer envelope, it must be clear which ballot paper belongs to which Identity Form and supporting documentation (without any additional mark on the envelope marked 'Ballot Paper P' described above), for example by enclosing each set in an envelope. If this is not clear, all unclear votes will be disqualified.
- 10.3 If you are eligible to vote in more than one ballot, your votes for each ballot must be sent in separate outer envelopes.
- 11 **Voting papers must be submitted by hand or by post to the Ballot Officer.**
- 11.1 **Your vote must be received fully completed by the date and time stated on the ballot paper. Delivery must be by post or by hand** – papers submitted electronically will be disqualified.
- 12 If you breach any of the balloting rules, your vote will be disqualified.
- 12.1 AHDB will check the eligibility of voters and ineligible votes will be disqualified. AHDB may use its levy records and any other available information to establish whether you qualify.
- 12.2 An independent person will oversee the determination of the result of the ballot.

^v Article 12(3) of the Order sets out that a partnership has a single vote.

^{vi} Article 12(2) of the Order.

What happens next?

- 13 AHDB will publish the result on its website.
- 14 The Order requires the results of a ballot to go to relevant Ministers for consideration.^{vii}

Contact information

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

Version 2
June 2015

^{vii} Article 11(7) of the Order.

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Ballot Paper P₂

Ballot on the Continuation of the Horticulture Levy

Ballot Paper for Eligible Voters

Agriculture and Horticulture Development Board Order, Articles 11 and 12

As a person who is a Payer of Horticulture Levy (which includes levy on mushrooms) and entitled to vote in this Ballot, please place a 'X' in either the 'Yes' or the 'No' box below.

No other mark may be placed on this Ballot paper.

The Ballot Paper must be returned to the Ballot Officer in accordance with the Balloting Instructions by 12 noon on [Day] [Month], 201[year].

The Balloting Instructions are on the reverse of this Ballot Paper.

Any Ballot Paper bearing any other mark and any Ballot Paper received after the above time will be disqualified and will not count in the result of the Ballot.

**Should Horticulture Levy continue to be payable to the
Agriculture and Horticulture Development Board?**

Yes

No

The completed Ballot Paper should be returned with the relevant Identity Form to:

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

[REVERSE OF BALLOT PAPER]

Balloting Instructions

1. A person (whether an individual or a business) entitled to vote in this ballot shall do so by placing a 'X' indelibly in either the 'Yes' or 'No' box on the Ballot Paper P.
2. No other mark may be made on either side of the Ballot Paper.
3. You must place the completed Ballot Paper in an envelope marked 'Ballot Paper P' and bearing no other mark.
4. That envelope must be sealed and placed together with a completed Identity Form P and associated documentation in an outer envelope and be posted to or handed in for the Ballot Officer, AHDB, Stoneleigh Park, Kenilworth, Warwickshire CV8 2TL.
5. More than one set of voting papers may be included within an outer envelope but each set must be clearly identifiable as such without any additional mark being made on the envelope marked 'Ballot Paper P'. For example, you could enclose each set in an envelope.
6. The vote must be received not later than the time specified on the Ballot Paper.
7. Any failure to follow the above Balloting Instructions will disqualify the vote. The vote will be counted as a spoilt vote and will not count towards the result of the Ballot. The total number of spoilt votes will be recorded. Spoilt votes will comprise:
 - a. Any Ballot Paper bearing any mark on either side of the Paper other than the 'X' permitted above;
 - b. Any Ballot Paper not received in accordance with the above rules; and
 - c. Any other Ballot Paper declared by the independent scrutineer for any reason to be a spoilt vote.

Identity Form P₂

Ballot on the Continuation of the Horticulture Levy **Agriculture and Horticulture Development Board Order, Articles 11 and 12**

I declare that I am a Payer of Horticulture Levy (which includes levy on mushrooms) entitled to vote in the above Ballot.

Levy Reference Number: (if any)
Name:
Business Name: (if any)
Address:
Telephone:
Email address:

I attach evidence that I am or was a Payer of Horticulture Levy in the 12 months preceding the month in which the ballot commenced.

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

Signed:
Position (eg Director):
Date:, 201.....

NOTE:

You do need to provide evidence that you qualify when you vote in a ballot.

The completed Ballot Paper should be returned with the relevant Identity Form to:
The Ballot Officer, Agriculture and Horticulture Development Board
Stoneleigh Park, Kenilworth, Warwickshire CV8 2TL