STATUTORY RULES OF NORTHERN IRELAND

2002 No. 151

AGRICULTURE

Milk Marketing Board (Residuary Functions) (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*15th April 2002*
Coming into operation	*15th May 2002*

The Department of Agriculture and Rural Development in exercise of the powers conferred on it by Articles 17(2)(*b*)(ii) and 30(*b*) of the Agriculture (Northern Ireland) Order 1993(**1**) 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 Milk Marketing Board (Residuary Functions) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 15th May 2002.

Amendment of the Milk Marketing Board (Residuary Functions) Regulations (Northern Ireland) 1995.

2. The Milk Marketing Board (Residuary Functions) Regulations (Northern Ireland) 1995(**2**) shall be amended in accordance with regulations 3 to 5.

3. In regulation 20, after paragraph (1) there shall be inserted the following paragraph—

"(1A) Any liability to pay a sum which, following a distribution of that sum, for the time being remains unclaimed and any asset or class of assets or any liability or class of liabilities specified in a notice given under regulation 26(1A) shall be disregarded for the purposes of paragraph (1).".

4. In regulation 26—

(a) after paragraph (1) there shall be inserted the following paragraph—

"(1A) Any liability to pay a sum which, following a distribution of that sum, for the time being remains unclaimed shall be disregarded for the purposes of paragraph (1)(*a*), and the Department may by notice to the Board specify any asset or class of assets or any additional liability or class of liabilities, including any assets arising or liability incurred after the giving of the notice, which shall likewise be disregarded for those

(**1**) S.I. 1993/2665 (N.I. 10)
(**2**) S.R. 1995 No. 25

purposes, or for the purposes of determining whether any assets are "surplus assets of the Board remaining on the final liquidation" for the purposes of regulation 25(3).";

(b) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Where, at the time that the account is made up under paragraph (3), any amounts distributed by way of final distribution in accordance with regulation 25(3) and paragraph (2) remain unclaimed, the account made up under paragraph (3) shall show the total such amount unclaimed.".

5. After regulation 26 there shall be inserted the following regulation—

"**Transfer of property, rights and liabilities**

26A.—(1) Where an order under Article 17(5) of the Order has been made in relation to the Board, the property, rights and liabilities of the Board shall, by virtue of this regulation and with effect from the day after the date on which such order is made, be transferred to the Department.

(2) The Department shall for the appropriate period—

(a) hold any transferred assets, being any sums distributed under an interim distribution, or under the final distributions made under regulation 26(2), and remaining unclaimed, for the purpose of paying such sums to the persons entitled to claim them under the terms of the distribution in question; and

(b) hold any other transferred assets for the purpose of discharging any liability of the Board which was transferred to it by virtue of regulation 26A(1).

(3) Subject to paragraph (5), upon the expiry of the appropriate period, the Department shall hold any transferred assets for the purpose of disposing of them in such manner as it may determine, provided that the disposal is for one of the purposes specified in paragraph (4), or in part for one of those purposes and in part for the other.

(4) The purposes referred to in paragraph (3) are—

(a) making such distribution of the transferred assets to relevant producers as would have been required of the Board had the assets fallen to be distributed on the final distributions under regulation 26(2); and

(b) transferring them to such body corporate or other organisation as the Department may determine, being a body corporate or organisation appearing to it to be established for purposes—

(i) connected with milk production in Northern Ireland; or

(ii) beneficial to relevant producers or to persons engaged in the production of milk in Northern Ireland.

(5) Before making any determination under paragraph (3) or (4)(*b*), the Department shall consult the relevant persons or organisations.

(6) In this regulation—

(a) "the appropriate period" means such period, being a period of not less than one year, as the Department shall determine after consulting the relevant persons or organisations;

(b) "relevant persons or organisations" means any such persons or organisations as appear to the Department to represent the interests of relevant producers;

(c) "relevant producer" means any person who on the date of the final distribution under regulation 26(2) was a registered producer; and