1995 No. 25

AGRICULTURE

Milk Marketing Board (Residuary Functions) Regulations (Northern Ireland) 1995

Made . . . . . *31st January 1995*

Coming into operation . . *1st March 1995*

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The Department of Agriculture, in exercise of the powers conferred on it by Article 17(2), (3) and (6) of the Agriculture (Northern Ireland) Order 1993(**a**) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Milk Marketing Board (Residuary Functions) Regulations (Northern Ireland) 1995 and shall come into operation on 1st March 1995.

Interpretation and preservation of preliminary provisions of the old marketing scheme

2.—(1) In these Regulations—

"assets" includes interests, property and rights;

"collecting" includes recovery in any proceedings or arbitration to which the Board is or becomes a party;

"distribution entitlement" means the entitlement specified in Schedule 1;

"eligible producer" has the meaning assigned to it in Part I of Schedule 2;

"end year producer" has the meaning assigned to it in Part II of Schedule 2;

"entry" in relation to any producer means the name and address of that producer;

"final distribution" has the meaning assigned to it in regulation 25(3);

"the final liquidation of the Board" has the meaning assigned to it in regulation 25(1);

"the final trading period" means the period commencing on 1st April 1994 and ending immediately before Vesting Day;

"the general fund" has the meaning assigned to it in regulation 17(1);

"interim distribution" has the meaning assigned to it in regulation 20(1)(*e*);

(a) S.I. 1993/2665 (N.I. 10)

"the old marketing scheme" means the Milk Marketing Scheme (Northern Ireland) 1989(**a**);

"the Order" means the Agriculture (Northern Ireland) Order 1993;

"the 1982 Order" means the Agricultural Marketing (Northern Ireland) Order 1982(**b**);

"the 1989 Order" means the Insolvency (Northern Ireland) Order 1989(**c**);

"preserved", in relation to a given provision of the old marketing scheme, means that in accordance with Article 17(3)(*a*) of the Order that provision shall continue to have effect by virtue of these Regulations, subject to such modifications as may be specified in relation to that provision by these Regulations;

"register" has the meaning assigned to it in regulation 14(1);

"registered producer" means a producer who has had his entry registered;

"relevant assets" means any assets forming part of the relevant asset total;

"relevant asset total" means on any occasion where, in accordance with these Regulations, the Board intends by means of an interim distribution or a final distribution to distribute, or procure the distribution of, assets of the Board, to eligible producers, the total amount of such assets to be so distributed on that occasion;

"relevant period" means the period commencing on 1st April 1992 and ending on 31st March 1993 (both dates inclusive);

"relevant producer" means any producer who before Vesting Day was registered with the Board under the old marketing scheme;

"retained" means retained by the Board following the transfer referred to in the definition of Vesting Day;

"rights" includes contingent rights;

"Vesting Day" means 1st March 1995 being the day on which in accordance with the approved scheme, certain property, rights and liabilities of the Board are, as a result of Article 14 of the Order, transferred by virtue of the Order.

(2) Article 3 of the old marketing scheme insofar as it relates to the following expressions and the definitions assigned to them is preserved—

(*a*) "cow";

(*b*) "milk";

(*c*) "producer" and;

(*d*) "secretary",

(**a**) S.R. 1989 No. 48
(**b**) S.I. 1982/1080 (N.I. 12)
(**c**) S.I. 1989/2405 (N.I. 19)

and shall have effect as set out in Schedule 3 and in these Regulations any reference to one of these expressions has the meaning assigned to it in that scheme save that the expressions "eligible producer" and "end year producer" shall not be taken to exclude any person solely by virtue of his having ceased to be a producer.

(3) Article 3 of the old marketing scheme insofar as it relates to the expressions "commercial activities" and "prescriptive resolution" is preserved, subject to modification, and shall have effect as set out in Schedule 3.

(4) After Article 3 of the old marketing scheme there shall be inserted a new Article 3A and this shall have effect as set out in Schedule 3.

Effect of provisions of the old marketing scheme as preserved, inserted or continuing in operation

3. The old marketing scheme—

(*a*) as preserved whether or not subject to modification;

(*b*) with provisions inserted by virtue of these Regulations; or

(*c*) insofar as, subject to the provisions of Part VII of these Regulations, it continues in operation by virtue of Article 16 of the Order,

shall have effect as set out in Schedule 3.

PART II

CONSTITUTION AND MEMBERSHIP OF THE BOARD

Restructuring of the Board's functions

4.—(1) The Board shall continue to exist as a body corporate, with a common seal, called the Milk Marketing Board for Northern Ireland until dissolved by order made under Article 17(5) of the Order but with its functions confined to—

(*a*) managing or otherwise dealing with the assets which are for the time being vested in it;

(*b*) discharging such other functions as are specified in Part V in relation to the assets and liabilities which are for the time being vested in it;

(*c*) carrying on the other activities which it is obliged or empowered by these Regulations or other requirements of law to carry on;

(*d*) preserving and maintaining the minute books and accounting and other records transferred to it under Article 14 of the Order; and

(*e*) undertaking any functions ancillary or incidental to the functions mentioned in sub-paragraphs (*a*) to (*d*),

such functions to be carried out in such a manner and with such expedition as, as well as having regard to the interests of registered producers, it considers is best calculated to secure that the winding-up purpose is achieved.

(2) The Board shall not be regarded as acting on behalf of, and its assets shall not be regarded as assets of, or held on behalf of, the Crown and neither