1989 No. 48

AGRICULTURE

The Milk Marketing Scheme (Approval) Order (Northern Ireland) 1989

Made . . . . . 24th February 1989

Coming into operation . . 1st April 1989

Whereas the Milk Marketing Board for Northern Ireland (hereinafter called "the Board") has in accordance with Article 27(1) of the Agricultural Marketing (Northern Ireland) Order 1982(**a**) (hereinafter called "the Order of 1982") prepared and submitted to the Department of Agriculture (hereinafter called "the Department") a Milk Marketing Scheme;

And whereas the Department has, after consultation with the Board and with representatives of such other interests as appears to it to be directly affected by that Scheme, made such modifications in that Scheme as it thinks proper;

Now therefore the Department in exercise of the powers conferred on it by Article 27(2), (3) and (5) of the Order of 1982 and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Milk Marketing Scheme (Approval) Order (Northern Ireland) 1989 and shall come into operation on 1st April 1989.

Marketing Scheme in respect of milk

2. The Department of Agriculture hereby approves the Milk Marketing Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture on 24th February 1989.

(L.S.) *S. R. Armstrong*
Assistant Secretary

(a) S.I. 1982/1080 (N.I. 12)

MILK MARKETING SCHEME

ARRANGEMENT OF SCHEME

	Article	*Page*
PART I — PRELIMINARY		
Title of Scheme	1	3
Regulated Product	2	3
Interpretation	3	3
PART II — THE BOARD		
Constitution	4	4
Composition	5-7	4
Resignation and removal from office	8	5
Co-option	9	5
Chairman and Vice-Chairman	10	6
Committees	11	6
Proceedings	12-16	6
Staffing, accommodation and remuneration	17-18	7
Contracts (position regarding Board Members)	19	7
PART III — REGISTRATION OF PRODUCERS		
The Register	20-22	7
Exemptions	23	8
Prohibitions	24-25	8
Death or disability of registered producer	26	8
Corporate bodies and partnerships	27	8
PART IV — BOARD'S OBLIGATION TO PURCHASE MILK	28	8
PART V — ELECTIONS	29-30	9
PART VI — POLLS TAKEN UNDER ARTICLE 26 OF THE ORDER	31-37	12
PART VII — STATUTORY POLLS	38	13
PART VIII — FINANCIAL PROVISIONS		
The fund	39-40	14
Powers of the Board	41-42	14
Duties of the Board	43-44	15
Accounts	45-46	15
Contributions from Producers	47-48	16
PART IX — GENERAL POWER TO REGULATE MARKETING	49-50	16
PART X — EXEMPTIONS	51	18
PART XI — PRESCRIBED CONTRACTS	52	20

PART XII — NEGOTIATIONS WITH BUYERS REPRESENTATIVES	53	20
PART XIII — CONSULTATION WITH FEDERATION OF PRODUCER CO-OPERATIVE CREAMERIES	54	23
PART XIV — HAULAGE OF MILK	55	24
PART XV — PRODUCER SALES BY RETAIL, SEMI-RETAIL OR WHOLESALE	56-57	24
PART XVI — PENALTIES FOR CONTRAVENTION OF THE PROVISIONS OF THE SCHEME OR OF DETERMINATION OF THE BOARD. THE DISCIPLINARY COMMITTEE	58	27
PART XVII — QUALITY SCHEMES	59-60	28
PART XVIII — MEETING OF REGISTERED PRODUCERS		
General Meetings	61	29
Calling a General Meeting	62	29
Proceedings at General Meetings	63-64	29
Entitlement to Vote	65	30
Votes	66	30
PART XIX — AMENDMENT AND REVOCATION OF SCHEME AND WINDING UP OF THE BOARD	67-70	30
PART XX — MISCELLANEOUS	71-76	31
APPENDIX 1 — Form of Voting Paper for EEC Polls under Part VI		33
APPENDIX 2 — Form of Voting Paper for Statutory Polls under Part VII		34
APPENDIX 3 — Form of Proxy		35

PART I

PRELIMINARY

1. This Scheme may be cited as the Milk Marketing Scheme (Northern Ireland) 1989.

2. The Agricultural Product, the marketing of which is regulated by this Scheme, is milk.

3. In this Scheme:

"accounting period" means a year beginning on 1st April and ending on 31st March following;

"Board" means the Milk Marketing Board for Northern Ireland;

"buyer" means a person who buys raw milk in bulk from or through the agency of the Board;

"commercial activities" in relation to the Board means the following activities of the Board:

(i) processing milk or producing from milk any of the commodities listed in Article 49(*c*),

(ii) selling, grading, packing, storing, adapting for sale, insuring, advertising and promoting the sale of milk processed by the Board or any of the commodities bought or produced by the Board,

(iii) transporting in vehicles owned, leased to or hired by the Board, milk processed or commodities bought or produced therefrom by the Board,

(iv) buying milk or goods wholly or partly manufactured or derived from milk, or

(v) other activities reasonably incidental to those specified above;

"the Council Regulation" means Council Regulation (EEC) No. 1422/78(**a**);

"cow" means a cow kept for milking purposes whether dry or in milk, but does not include a heifer which has never calved;

"milk" means cows milk produced in Northern Ireland;

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

"prescriptive resolution" means a resolution of the Board embodying a determination of or prescription by the Board which is recorded in the record provided for by Article 75(1);

"producer" means a producer of milk;

"registered" means registered under this Scheme;

"secretary" includes any person for the time being authorised by the Board to act as its secretary; and

"statutory poll" means a poll concerning the amendment or revocation of this Scheme, as the case may be, pursuant to Article 4(12) of the Order.

PART II

THE BOARD

Constitution

4. This Scheme shall be administered by the Board which shall continue in existence as a body corporate with common seal under this Scheme.

Composition

5.—(1) The Board shall, as from the coming into operation of this Scheme consist of—

(*a*) the six existing County members;

(*b*) the four existing Regional members; and

(*c*) three members appointed by the Department.

(2) Subject to the provisions of Article 8—

(*a*) the County members elected in 1986 for the administrative Counties of Antrim, Down and Londonderry shall hold office until 31st March 1990;

(*b*) the County members elected in 1988 for the administrative Counties of Armagh, Fermanagh and Tyrone and any County member subsequently elected shall hold office for four years;

(**a**) O.J. No. L171, 28.6.78, p. 14
(**b**) S.I. 1982/1080 (N.I. 12)

(*c*) the two Regional members elected in 1986 shall hold office until 31st March 1990; and

(*d*) the two Regional members elected in 1988 and any Regional member subsequently elected shall hold office for four years.

(3) Subject to the provisions of this Scheme, every elected member shall take office on 1st April following his election and shall hold office until 31st March in the year in which his term of office expires.

(4) As an elected member's term of office expires he shall be replaced by a member elected in accordance with this Scheme.

6. An elected member of the Board whose term of office expires or who resigns office shall be eligible for election or re-election in accordance with this Scheme.

7.—(1) Each County member shall be elected by the registered producers residing in the County for which the election is being held and entitled to vote under this Scheme.

(2) Regional members shall be elected by the general body of registered producers in Northern Ireland entitled to vote under this Scheme.

(3) Members elected in respect of Counties shall be known as County members and for the purposes of the election of County members of the Board—

(*a*) the portion of the City of Belfast which is to the west of the River Lagan shall be deemed to be part of the administrative County of Antrim; and

(*b*) that portion of the City of Belfast which is to the east of the River Lagan shall be deemed to be part of the administrative County of Down.

Resignation and removal from office

8.—(1) A member of the Board shall cease to hold office if he delivers to the Board, or being an appointed member to the Department, a written resignation of his office and the resignation is accepted or, if not accepted, is not withdrawn within seven days.

(2) Any member of the Board who—

(*a*) if he is detained for more than seven days in any place under any enactment in force in any part of the United Kingdom relating to persons of unsound mind;

(*b*) if he is adjudged bankrupt or enters into a composition with his creditors; or

(*c*) if he is convicted of any offence under Article 29 of the Order,

shall thereby be disqualified from holding the office of member of the Board.

(3) Any elected member who—

(*a*) if the Board by resolution, declares that he has been absent from six consecutive meetings of the Board without reasonable excuse; or

(*b*) if the Board by resolution declares that he has failed without reasonable excuse to disclose information which the member is required by the provisions of Article 19(3) of this Scheme to disclose,

shall thereby be disqualified from holding office of member of the Board.

(4) A member of the Board shall not be eligible for employment by the Board.

Co-option

9.—(1) If an elected member of the Board dies or ceases to hold office under Article 8, or if no candidate has been nominated for a vacancy to be filled at an election under Article 29, the Board shall either co-opt a registered producer in his place or hold within a period of six months an election as provided in Article 29,