1984 No. 423

AGRICULTURE

The Pigs Marketing Service Scheme (Approval) Order (Northern Ireland) 1984

Made . . . . . *7th December 1984*

Coming into operation . . . *31st December 1984*

ARRANGEMENT OF ORDER

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The Department of Agriculture, in exercise of the powers conferred on it by Article 31(3) of the Agricultural Marketing (Northern Ireland) Order 1982(**a**) and of every other power enabling it in that behalf, on receipt of a Pigs Marketing Service Scheme from the Pigs Marketing Board (Northern Ireland) and having consulted that Board and representatives of the interests appearing to be directly affected by the Scheme, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Pigs Marketing Service Scheme (Approval) Order (Northern Ireland) 1984 and shall come into operation on 31st December 1984.

Marketing Service Scheme in respect of pigs

2. The Department of Agriculture approves the Pigs Marketing Service Scheme set out in the Schedule hereto which shall come into operation on 31st December 1984.

Sealed with the Official Seal of the Department of Agriculture on 7th December 1984.

(L.S.) *W. H. Parker*
Assistant Secretary

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

SCHEDULE Article 2

PIGS MARKETING SERVICE SCHEME (NORTHERN IRELAND) 1984

PART I

PRELIMINARY

1. This Scheme may be cited as the Pigs Marketing Service Scheme (Northern Ireland) 1984.

2. In this Scheme—

"the accounting date" means the date up to which in a particular financial year the income and expenditure account referred to in Article 23(3)(*a*) is to be prepared;

"authorised person" means a person authorised by the Board for the purposes of arranging and conducting the electing of members to the Board;

"the Board" means the Pigs Marketing Board (Northern Ireland);

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

"pig contract" means a contract for the sale to the Board of pigs;

"pig" means an animal of the genus porcus and includes the carcase and cuts thereof;

"Secretary" includes any person for the time being authorised by the Board to act as the Secretary;

"the specified product" means pigs;

"Subsidiary" has the meaning assigned to it by Section 148 of the Companies Act (Northern Ireland) 1960(**a**).

PART II

THE BOARD

Constitution

3. This Scheme shall be administered by the Board which shall continue in existence as a body corporate constituted under this Scheme.

Composition

4.—(1) The Board shall, as from the coming into operation of this Scheme, consist of the existing eleven members being three members appointed by the Head of the Department of Agriculture, the existing elected members for the Counties of Down, Fermanagh, Londonderry, Antrim, Armagh and Tyrone, and the two elected Regional members representing the whole of Northern Ireland.

(2) As the existing appointed members' terms of office expire they shall be replaced by members whom the elected members of the Board shall appoint. They shall be appointed as being persons so qualified as having had experience and shown capacity in commerce, finance, administration, public affairs or the organisation of workers, or as being specially conversant with the interests of consumers of the specified product. The Board shall during the period of three years from the day on which this Scheme comes into force ensure that the respective terms for which the appointed members are appointed shall be such that the term of office of one appointed member expires on 31st December each year. Thereafter the appointed members shall hold office for a term of three years. In the event of a casual vacancy the elected members may fill up such vacancy but so that the person appointed to fill the casual vacancy shall hold office only for the remainder of the term for which his predecessor had been appointed.

(3) An election of County members for the Counties of Down, Fermanagh and Londonderry and of one Regional member shall be held in 1985 and in every fourth calendar year thereafter, and an election of County members for the Counties of Antrim, Armagh and Tyrone and of one Regional member shall be held in 1987 and in every fourth calendar year thereafter. Election of members shall be held in June. Every elected member shall, subject to the provisions of this Scheme take office on the 1st July following his election and shall hold office until 30th June in the year in which the next election for his seat takes place. Provided that an election may be held at any time to fill a casual vacancy as prescribed in Article 6(1).

(**a**) 1960 c. 22 (N.I.)

(4) Each County member shall be elected by the enrolled producers residing in the County for which the election is being held and entitled to vote under the Scheme; and Regional members shall be elected by the general body of enrolled producers in Northern Ireland entitled to vote under this Scheme.

(5) 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*) that portion of the County Borough of Belfast which is to the west of the River Lagan shall be deemed to be part of the County of Antrim;

(*b*) that portion of the County Borough of Belfast which is to the east of the River Lagan shall be deemed to be part of the County of Down; and

(*c*) the County Borough of Londonderry shall be deemed to be part of the County of Londonderry.

Resignation of and removal from office

5.—(1) A member of the Board shall cease to hold office if he delivers to the Board a written resignation of his office and the resignation is accepted by the Board 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; or

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

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

(*d*) if the Board, by resolution, declares that he has failed without reasonable excuse to disclose information which he is required by Article 14(3) of this Scheme to disclose; or

(*e*) if the Board, by resolution, declares that he has acted contrary to the interests of the Board;

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

(3) A member of the Board shall not be eligible for employment by the Board under a contract of service provided however that this paragraph shall not prevent a member of the Board from receiving remuneration in his capacity as such member.

Co-option

6.—(1) If an elected member of the Board dies or ceases to hold office under Article 5, or if no candidate has been nominated for a vacancy to be filled at an election under Article 19, the Board shall either co-opt an enrolled producer in his place or hold within a period of six months an election as provided in Article 19, subject to any alterations in the procedure laid down in that Article, necessary for the purpose of holding the election to fill the vacancy provided that no action shall be required to fill any such vacancy which would not exceed six months.

(2) Any person so co-opted or elected shall, unless he dies or ceases to hold office as aforesaid, hold office until 30th June in the year in which the next election takes place for the seat to which he has been co-opted or elected.

Election of chairman and vice-chairman

7.—(1) The Board shall elect from among its members a chairman and vice-chairman who shall (provided they remain members of the Board) hold office for one year from 1st July. If the office of chairman or vice-chairman becomes vacant during the year from 1st July, the Board shall elect from among its members a chairman, or vice-chairman as the case may be, to hold office for the remainder of such year. An outgoing chairman or vice-chairman shall be eligible for re-election.

(2) If at any meeting of the Board neither the chairman nor the vice-chairman is present, those members of the Board who are present shall elect one of their number to be chairman of that meeting.

Appointment of committees

8.—(1) The Board may appoint committees out of its own number and regulate the duties of such committees.

A committee shall not hold office beyond the 30th June in the year in which the next election (other than an election to fill a casual vacancy) takes place and shall report their proceedings to, and obey any direction of the Board.

(2) The Board and every committee thereof shall, at all times, have power to act notwithstanding any vacancy among its members.

Proceedings

9.—(1) The quorum of the Board shall be five and the quorum of any committee thereof shall be such as the Board may from time to time determine.

(2) Questions arising at any meeting of the Board or a committee shall be decided by a majority of the votes of the members present and in the case of an equality of votes at such a meeting, the member acting as chairman shall have a second or casting vote. The Secretary, on the request of any three members of the Board or of the chairman, shall convene a meeting of the Board. A meeting shall be convened by notice in writing to all the members.

Minutes

10. Minutes shall be kept of the proceedings of the Board and of any committee thereof, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which they relate or of a meeting at which they were approved, be evidence of those proceedings, and the meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted.

The Seal

11. The Board shall have a common seal which shall not be applied to any document except by the authority of the Board and the application of the seal shall be attested by at least two members of the Board authorised in that behalf and by the Secretary.

Contracts (not under seal)

12. Contracts and instruments which would not in the case of a private person require to be under seal, may be entered into or executed on behalf of the Board by any person authorised in that behalf by the Board.

Staffing, accommodation and remuneration of members

13. The Board—

(*a*) may employ such persons and on such terms and conditions as it thinks fit;

(*b*) shall have an office at which communications and notices will at all times be received and shall notify the Department of the address thereof, and of any change in that address;

(*c*) shall pay to any member of the Board such remuneration and allowances as have in its opinion been reasonably earned by such member in connection with the business of the Board, the total amount of the remuneration and allowances of the members of the Board having been approved by a majority of votes at an annual general meeting of enrolled producers for the ensuing year from 1st July provided that such remuneration and allowances shall in no case exceed that recommended by the Board;

(*d*) shall allow to any member of the Board such sums as are reasonable in respect of travelling and other expenses which are expended in connection with the business of the Board.

Contracts (position regarding Board members)

14.—(1) A contract entered into by the Board shall not be avoided by reason only that a member of the Board is also a party thereto or is interested therein.

(2) A member of the Board shall not be liable to account to the Board for any profits realised by him out of any contract by reason only of the fact that the Board is also a party to such contract or is interested therein.

(3) A member of the Board shall forthwith disclose to the Board who shall forthwith cause the same to be recorded in a Register of Disclosures—

(*a*) the date of his birth;