1978 No. 366

EUROPEAN COMMUNITIES

Milk Marketing (Amendment) Regulations (Northern Ireland) 1978

Made . . . . . *5th December* 1978

Coming into operation . . . *1st January* 1979

The Department(a) of Agriculture, being a Department designated by the European Communities (Designation) Order 1972(b) for the purposes of Section 2(2) of the European Communities Act 1972(c) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by that section and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Milk Marketing (Amendment) Regulations (Northern Ireland) 1978, and shall come into operation on 1st January 1979.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendments to the Milk Marketing Scheme

3. The Milk Marketing Scheme (Northern Ireland), 1955(e) shall be amended as follows:

(*a*) For Part IX thereof there shall be substituted:

"PART IX

Negotiation with Purchasers' Representatives

36.—(1) There shall be established a Committee (hereinafter called "the Joint Committee") which shall consist of members appointed by the Board and members appointed by the body established by buyers of milk and known as the Northern Ireland Milk Industry Conference, but if, in the opinion of the Department, that body has ceased to exist or has ceased to represent the views of buyers of milk such last mentioned members shall be appointed by such other body or bodies as appear to the Department to represent for the time being the views of buyers of milk otherwise than by retail.

(a) Formerly Ministry: *see* 1973 c. 36 s. 40, Sch. 5 para. 8
(b) S.I. 1972/1811 (1972 III, p. 5216)
(c) 1972 c. 68
(d) 1954 c. 33 (N.I.)
(e) Approved by S.R. & O. (N.I.) 1955 No. 43 (p. 12) and amended by S.R. & O. (N.I.) 1955 No. 166 (p. 27), S.R. & O. (N.I.) 1956 No. 44 (p. 17), S.R. & O. (N.I.) 1956 No. 68 (p. 18), S.R. & O. (N.I.) 1957 No. 31 (p. 14), S.R. & O. (N.I.) 1961 No. 191 (p. 814), S.R. & O. (N.I.) 1962 No. 162 (p. 650), S.R. & O. (N.I.) 1963 No. 56 (p. 174), S.R. & O. (N.I.) 1963 No. 140 (p. 502), S.R. & O. (N.I.) 1966 No. 48 (p. 194) and S.R. 1976 No. 273 (II, p. 1326)

(2) The Joint Committee may appoint a Chairman who need not be one of their members.

(3) The Joint Committee may appoint sub-committees consisting of one or more of their members and such other persons as the Joint Committe may appoint. Any such sub-committee may be empowered by the Joint Committee to consider any matters referred to it by the Joint Committee.

(4) All questions to be decided by the Joint Committee shall be decided by resolution upon which the members appointed by the Board and the members appointed by the Northern Ireland Milk Industry Conference or other body or bodies aforesaid shall each collectively have one vote. The Committee shall not be taken to have agreed unless both such votes have been cast in the same direction.

(5)(*a*) The Joint Committee shall negotiate and endeavour to agree upon the following matters:

(i) the description of milk to be sold by the Board;

(ii) the delivery of milk to be sold by the Board;

(iii) the terms on which milk is to be sold by the Board including the prices thereof;

(iv) the amounts of any allowances to be made to buyers;

(v) the classes of persons and premises to whom or in respect of which such allowances are to be made;

(vi) the conditions on which such allowances are to be made;

(vii) the arrangements for making milk available to buyers including the Board's processing and manufacturing enterprises, proposals for which shall be submitted to the Joint Committee by a sub-committee set up under the terms of paragraph 36(3)

(*b*) If the Joint Committee reach agreement and make a decision on any of the above matters such decision shall be final.

(6) The Joint Committee may also discuss any other matters agreed by both parties to the Joint Committee to be of mutual interest to the Board and the Northern Ireland Milk Industry Conference or any other body or bodies aforesaid and arising out of the Community obligations of the United Kingdom.

(7) If the Joint Committee are unable to agree upon any matter which is referred to in sub-paragraph (5) either party may make a reference to an Arbitration Panel thereon. Such Panel shall consist of 4 persons (only 3 of whom shall sit on any particular reference) appointed by the Joint Committee and shall include:

(i) a person who in the opinion of the Joint Committee, or failing agreement by the Joint Committee in the opinion of the Department, is qualified for appointment as having had experience and shown capacity in commerce;

(ii) a person who in the opinion of the Joint Committee, or failing agreement by the Joint Committee in the opinion of the Department, is qualified for appointment as having had experience and shown capacity in law; and

(iii) a person who in the opinion of the Joint Committee, or failing agreement by the Joint Committee in the opinion of the Department, is qualified for appointment as having had experience and shown capacity in accountancy or economics.