1971. No. 85 **[C]**

AGRICULTURAL MARKETING

Pigs

ORDER, DATED 23RD MARCH 1971, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER SECTION 2(4) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND) 1964.

The Ministry of Agriculture, after such consultation as is required and in exercise of the powers conferred by Section 2(4) of the Agricultural Marketing Act (Northern Ireland) 1964(**a**), hereby makes the following Order:—

Citation

1. This Order may be cited as the Pigs Marketing Scheme (Amendment) Order (Northern Ireland) 1971 and shall come into operation on the 1st July 1971.

Amendment of Scheme

2. The Pigs Marketing Scheme (Northern Ireland) 1933(**b**) is hereby amended as follows:—

(1) In Article 2 the following definitions shall be inserted in their alphabetical order:—

" 'investments in processing' has the meaning assigned to it in Article 24(2);

'wholly-owned subsidiary of the Board' means a body corporate which has no members other than the Board or its nominees".

(2) In Article 5(1) the wording following sub-paragraph (*f*) shall be deleted and the following inserted:—

"(*g*) if he becomes a director of the company set up under Article 25(1) or of any company in which the Board has investments in processing.

Sub-paragraphs (*b*), (*c*), (*e*) and (*g*) shall apply to appointed members of the Board, and sub-paragraph (*a*) shall apply to those members with the substitution of the Minister for the Board".

(3) Article 24(2) shall be deleted and the following substituted:—

"(2) The Board may, subject to the provisions of Article 25(1) invest money either by way of loan or mortgage, purchase of shares or otherwise in any business undertaking engaged in any of the activities specified in Article 31(1) provided that the Board shall not purchase shares in any undertaking engaged in or proposing to engage in the slaughter of pigs or the production of any of the commodities specified in Article 31(2) (any such investment being in this Scheme referred to as "investments in processing") nor invest more than £50,000 in any year in such undertakings or more than £25,000 in any one such undertaking in any year, without the approval of the Ministry."

(a) 1964. c. 13 (N.I.). (b) S.R. & O. (N.I.) 1933, No. 93.

(4) Article 25 shall be deleted and the following substituted:—

"**25.**—(1) The Board shall cause to be formed a company which shall at all times be a wholly-owned subsidiary of the Board with power to hold and manage the investments of the Board and any investment of the Board may be held by and in the name of such company. All investments in processing shall, subject only to the provisions of this Scheme, be effected by, held in the name of and in all respects controlled and managed by such company. Any investments of the Board including investments made before 1st July 1971 may be transferred to the company by the Board. All investments in processing made before that date shall be so transferred and in all respects controlled and managed by such company.

(2) Subject to the provisions of paragraph (3) the directors of the company set up under paragraph (1) shall consist of:—

(i) two who shall be appointed by the Board with the approval of the Minister and who may be removed by the Board;

(ii) two who shall be appointed by the Minister with the approval of the Board and who may be removed by the Minister;

(iii) one full-time Executive Director who shall be appointed by the other directors.

(3) The chairman of the board of directors of the company shall be one of the directors appointed under sub-paragraphs (i) and (ii) of paragraph (2) and shall be a person with wide business and financial experience in industry or commerce. He shall be appointed as chairman by the Board and may be removed as chairman by the Board with the approval of the Minister.

(4) Subject to the provisions of this paragraph a director appointed under sub-paragraphs (i) and (ii) of paragraph (2) shall hold office for a term of three years:—

(*a*) Of the first board of directors after the coming into operation of this Order, one director shall hold office for a term of one year and one director shall hold office for a term of two years. Such directors, neither of whom shall be the chairman, shall be chosen by agreement between the Minister and the Board and, in default of agreement, shall be chosen by lot.

(*b*) Where a director appointed by the Board resigns, or is removed, from office the Board may appoint in his place another person approved by the Minister, and any person so appointed shall hold office for the remainder of the term of the person in whose place he is appointed.

(*c*) Where a director appointed by the Minister resigns, or is removed, from office the Minister may appoint in his place another person approved by the Board, and any person so appointed shall hold office for the remainder of the term of the person in whose place he is appointed.

(*d*) A director whose term of office expires shall be eligible for re-appointment.

(5) No director of the company set up under paragraph (1) shall be a member of the Board.

(6) Without prejudice to any other provision of this Scheme the company set up under paragraph (1) shall not without the consent of the Board and the approval of the Ministry: