NINTH SCHEDULE

MARKETING OF FRUIT ACT (NORTHERN IRELAND), 1931

Shipment of Ungraded Fruit

Licence-holders or permit-holders may send ungraded apples from Northern Ireland to Great Britain or the Isle of Man on the following conditions:—

(1) that the apples are in marketable condition;

(2) that the apples are packed in bags or such other containers as may be approved by the Ministry;

(3) that where bags are used the weight of apples in each bag shall not exceed 1 cwt.;

(4) that each bag is clearly and indelibly labelled and each other container clearly and indelibly marked with the words "Ungraded apples for manufacture";

(5) that the fruit is consigned direct to a manufacturing concern;

(6) that the number of the licence or permit is clearly shown on each container in the consignment;

(7) that each consignment is accompanied by a Return or Returns of Shipment as prescribed in Article 5(2)(c) of the Rules made under the above-mentioned Act;

(8) that where apples are packed in containers other than bags the consignment note must be produced on request by an authorised officer.

Milk

THE MILK MARKETING SCHEME (NORTHERN IRELAND) (APPROVAL) ORDER, 1955, DATED 23RD DAY OF MARCH, 1955, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER SECTION 1 (3) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND), 1933, (23 AND 24 GEO. 5, CH. 22).

1955. No. 43 [C]

Whereas the Ministry of Agriculture for Northern Ireland in exercise of its powers under the Agricultural Marketing Acts (Northern Ireland), 1933 and 1934, framed a Scheme regulating the marketing of milk:

And whereas in pursuance of the provisions of the First Schedule to the Agricultural Marketing Act (Northern Ireland), 1933, notice of the framing of the said Scheme and of the period during which objections and representations with respect thereto might be made was given in the *Belfast Gazette* of 12th November, 1954:

And whereas an objection to the said Scheme as framed was lodged by the Belfast Wholesale Butter Merchants' Association and an inquiry was duly held into the said objection by a person duly appointed by the Minister of Agriculture for Northern Ireland and the said Minister having received and considered the report of the said appointed person:

Now, therefore, the Ministry of Agriculture for Northern Ireland, in exercise of the powers conferred upon it by Section 1 (3) of the Agricultural Marketing Act (Northern Ireland), 1933, hereby makes the following Order:—

1. The said Scheme, as framed and amended by omitting paragraph 3 thereof which, owing to the passing of the Interpretation (Northern Ireland) Act, 1954, is now unnecessary and adding a new paragraph numbered 38 which was not included in the Scheme as framed, is now approved.

2. The said Scheme shall come into force on the first day of April, 1955.

3. This Order may be cited as "The Milk Marketing Scheme (Northern Ireland) (Approval) Order, 1955."

In witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed this 23rd day of March, nineteen hundred and fifty-five, in the presence of

J. I. Magowan,
Secretary.

SCHEDULE

Scheme Framed under the Agricultural Marketing Acts (Northern Ireland), 1933 and 1934, Regulating the Marketing of Milk

PART I

Preliminary

1. This Scheme may be cited as the Milk Marketing Scheme (Northern Ireland) 1955 and applies to Northern Ireland.

2. In this Scheme except where the context otherwise requires—

"Accounting Period" means a year beginning on 1st April and ending on 31st March following.

"Buyer" means a person who buys milk for distribution as liquid milk or for manufacture of milk products notwithstanding that he may at the same time be a producer or registered producer of milk.

"Milk" means cows' milk produced in Northern Ireland.

"Minister" means the Minister of Agriculture for Northern Ireland.

"Ministry" means the Ministry of Agriculture for Northern Ireland.

"Producer" means a producer of milk within Northern Ireland.

"Registered" means registered under this Scheme and registration shall be construed accordingly.

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

"The Acts" means the Agricultural Marketing Acts (Northern Ireland) 1933 and 1934.

"The Principal Act" means the Agricultural Marketing Act (Northern Ireland) 1933.

PART II

The Board

3. The Board to administer this Scheme shall be called the Milk Marketing Board for Northern Ireland and shall be a body corporate with common seal and power to hold land without licence in mortmain.

4. Until 31st March, 1956, the Board shall consist of the following persons:—

J. L. T. McAdam, Esq., O.B.E., M.C., Elmdene, Cable Road, Whitehead *(Chairman)*
D. T. Allen, Esq., Derryloiste, Lurgan
Robert Bell, Esq., F.S.A.A., 6 Waterloo Park North, Belfast
S. Boyd, Esq., J.P., Ballywindland, Ballymoney
G. A. Cathcart, Esq., Bellanaleck P.O., Enniskillen
S. Duffield Gibson, Esq., Summerhill, Dunmurry, Belfast
J. K. Lynn, Esq., Gateside, Dundooan, Coleraine
E. V. McCullagh, Esq., Seskinshule, Greencastle, Omagh
A. McLurg, Esq., Templemoyle, Limavady
S. Shaw, Esq., Craigy Dairy Farm, Saintfield, Co. Down
R. Sproule, Esq., Liskey, Strabane
C. M. Stewart, Esq., 28 Rosetta Park, Belfast.
J. W. Walker, Esq., Greywalls, Hillhall, Lisburn

Thereafter the Board shall consist of thirteen members of whom three shall be appointed members, that is to say they shall be appointed and may be removed by the Minister and ten shall be elected members, that is to say, they shall be elected by registered producers in the following manner and according to the following numbers, that is to say:—

(1) One member who shall be known as a County member shall be elected by registered producers in each of the administrative Counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone.

(2) Four members who shall be known as the Regional members shall be elected by the general body of registered producers in Northern Ireland.

5.—(1) The County members first elected for the administrative Counties of Antrim, Down, and Londonderry shall hold office for two years; the remaining County members and any County members subsequently elected shall hold office for four years. The two Regional members who on the occasion of the first election poll the least number of votes shall hold office for two years; the remaining two Regional members and any Regional members subsequently elected shall hold office for four years.

An election for County members and Regional members shall be held in 1956, and thereafter elections shall be held at such intervals as are appropriate in relation to the terms of office defined in the foregoing sub-paragraph.

(2) Every elected member shall, subject to the provisions of this Scheme, take office on the first day of April following his election and shall hold office until the thirty-first day of March in the year in which the next election for his county or region takes place.

6. An elected member of the Board whose term of office expires or who resigns his office shall be eligible for election or re-election.

7.—(1) An elected member of the Board shall cease to hold office—

(*a*) 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; or

(*b*) 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

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

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

(*e*) if he is convicted of any offence under sub-section (1) of section sixteen of the Principal Act; or

(*f*) if the Board by resolution declare that he has failed without reasonable excuse to disclose information which he is required by the provisions of paragraph 18(3) of this Scheme to disclose.

Sub-paragraphs (*b*), (*c*) and (*e*) of this paragraph 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.

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

8. If an elected member of the Board dies or ceases to hold office under the last preceding paragraph, the Board shall co-opt a person in his place, and any person so co-opted shall, unless he dies or ceases to hold office as aforesaid, hold office for so long as his predecessor would have held office.

9. The Board shall elect from among their members a vice-chairman and after the expiration of the period of office of the chairman by the Principal Act to be designated by the Minister, a chairman. The chairman and vice-chairman so elected shall, provided they remain members of the Board, hold office for four years and if re-elected shall be eligible for re-election as chairman and vice-chairman.

10.—(1) The Board shall at all times have power to act notwithstanding any vacancy among their members and may appoint committees out of their own number.

(2) The Board shall appoint an executive committee consisting of not more than eleven of their members and including the chairman and vice-chairman of the Board and any members appointed by the Minister not being such chairman or vice-chairman.

(3) The chairman and vice-chairman of the Board shall, ex-officio, be chairman and vice-chairman of the executive committee. The executive committee shall report their proceedings to and obey any directions of the Board.

11—(1) The quorum of the Board or of any committee thereof shall be such number as the Board may determine so however that in the case of the Board the quorum shall be not less than five and of any committee not less than three.

(2) In each case the quorum shall include at least one person appointed by the Minister.

(3) 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. Three members of the Board may, and the Secretary on the request of any three members of the Board or of the chairman shall, convene a meeting of the Board.

12. All acts done at any meeting of the Board or of any committee thereof shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or qualification of a person purporting to be a member of the Board or the committee, or that a member of the Board has voted upon any question upon which he was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

13. 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 read 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. A copy of the minutes of each meeting of the Board, or of any committee thereof, shall be sent to the Ministry within fourteen days of such meeting.

14. The common seal of the Board shall not be applied to any document except by the authority expressed by the resolution of the Board or of the executive committee 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.

15. 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.