



Agricultural Marketing Act 1958

1958 CHAPTER 47

PART II

PROVISIONS AS TO MILK MARKETING BOARDS AND MILK MARKETING SCHEMES

34 Powers of milk marketing boards to make payments to registered producers and other persons in certain cases

- (1) The board administering a milk marketing scheme may submit to the Minister for his approval arrangements for the sale by registered producers, at a reduced price, of any quantity of milk produced in the area to which the scheme applies.
- (2) Where any quantity of milk produced in the area to which a milk marketing scheme applies—
 - (a) having been sold by a registered producer, has, in any month, been used (elsewhere than at a farm) in manufacturing a milk product, or
 - (b) having been produced by a registered producer, has, in any month, been used by the board in manufacturing a milk product, or
 - (c) having been produced by a registered producer, has, in any month, been used by that producer in manufacturing cheese at a farm in his occupation, or
 - (d) has been produced or sold in any period by a registered producer and has been produced in circumstances determined by the Minister or by the board with the object of securing, so far as practicable, that the milk is pure and free from the infection of any disease, or
 - (e) has, in any period, been sold by a registered producer at a reduced price in accordance with arrangements approved by the Minister,

then, without prejudice to any obligation expressly imposed on the board by the scheme, the board may, subject to such conditions as they think fit, pay or allow to the registered producer, in respect of each gallon comprised in that quantity of milk, a sum of such amount as they may determine with respect to that month or that period, as the case may be.

- (3) Without prejudice to the foregoing provisions of this section, and notwithstanding any milk marketing scheme in force, the board administering any such scheme shall

have power for the purpose of giving effect to any arrangements approved under subsection (1) of this section, to pay or allow to suppliers of milk, or any local authority concerned, subject to such conditions as the board think fit, such sum in respect of each gallon of milk sold as the board may from time to time determine.

- (4) For the purposes of this section a farm shall be deemed to include the farmhouse and all buildings occupied together with the farm, but not to include any premises which are for the time being approved as manufacturing premises by the board administering a milk marketing scheme.
- (5) In this section "milk product" means cream, butter, cheese, milk powder or condensed milk.

35 Powers of milk marketing boards to determine places, etc., where milk may be sold by registered producers

- (1) The board administering any milk marketing scheme may from time to time determine the places or areas at, to or within which milk produced in the area to which the scheme applies, or any description or quantity of milk so produced, may be sold, or offered or consigned for sale, or delivered on sale, by any registered producer:

Provided that no determination shall be made under this subsection by any board except after consultation with such a committee as the Minister may have approved for the purpose as representing the interests of purchasers of milk by wholesale.

- (2) If any registered producer deals with any milk in contravention of any determination made by the board under the foregoing subsection, then, subject to any provisions of the scheme which prescribe procedure in connection with the recovery of penalties, the disciplinary committee of the board shall impose on, and the board shall recover from, that producer such monetary penalty as the said committee think just, not exceeding one hundred pounds or such greater sum (if any) as may be specified in the scheme in relation to such a contravention as aforesaid.
- (3) Any provision of a milk marketing scheme made in pursuance of subsection (4) of section nine of this Act shall apply to a contravention of a determination made by the board under subsection (1) of this section as it applies to a contravention of any provision of the scheme made in pursuance of any of the provisions of this Act which are specified in subsection (3) of the said section nine.
- (4) Subsection (2) of this section, in so far as it requires the disciplinary committee of a board administering a milk marketing scheme to impose penalties on a registered producer and the board to recover penalties from such a producer, shall not be construed as preventing the disciplinary committee, if they find that a contravention of any determination made by the board under subsection (1) of this subsection has occurred, from postponing the imposition of a penalty for such period as may be specified in the scheme in relation to the contravention of any provision of the scheme made in pursuance of any of the provisions of this Act which are specified in subsection (3) of section nine thereof, but save as aforesaid nothing in this section shall be construed as derogating from the duty imposed by the said subsection (2) to impose and recover penalties.
- (5) For the removal of doubt, it is hereby declared that any power of the board administering a milk marketing scheme to determine the price at, below or above which milk produced in the area to which the scheme applies, or any kind, grade or description of milk so produced, may be sold by any registered producer, includes

power to determine, in relation to milk so produced or any kind, grade or description of milk so produced, as the case may be, different prices by reference to the different purposes for which it is sold or used.

36 Powers of milk marketing boards to provide artificial insemination services

Notwithstanding anything in this Act or in any milk marketing scheme in force, the board administering any such scheme shall have power, with the approval of the Minister and subject to any directions which may from time to time be given by him, to provide—

- (a) services of artificial insemination for cattle ;
- (b) services of artificial insemination for pigs.

37 Powers of milk marketing boards to conserve grass and forage crops

Notwithstanding anything in this Act or in any milk marketing scheme in force, the board administering any such scheme shall have power, with the approval of the Minister, to establish or acquire a centre for the artificial drying of grass and forage crops and to operate and maintain that centre and to carry on any activity reasonably incidental thereto.

38 Powers of milk marketing boards to recover damages from purchaser of milk in certain cases

Where, in conformity with a milk marketing scheme, any contract whereby a registered producer undertakes to sell, otherwise than to, or through the agency of, the board, any milk produced in the area to which the scheme applies, purports to confer on the board any right to recover from the purchaser the whole or any part of any damages for which the purchaser may be liable under the contract in respect of a breach of warranty on his part, then, without prejudice to the effect of subsection (4) of section seventeen of this Act, the board may enforce that right against the purchaser, notwithstanding that the board are not parties to the contract and notwithstanding that, as between the board and the purchaser, there is no consideration.

39 Powers of milk marketing boards to enter into certain agreements with each other

The board administering any milk marketing scheme may enter into and carry into effect an agreement with the board administering any other such scheme whereby the first-mentioned board, for such consideration and subject to such conditions as may be specified in the agreement.—

- (a) undertake that, during a period specified in the agreement, they will exercise their powers in such manner as may be so specified ; or
- (b) undertake that, during a period specified in the agreement, they will make to the other board payments of such amounts and at such times as may be so specified.

40 Extension of functions of consumers' committees in connection with milk marketing schemes

- (1) Any consumers' committee may be brought into consultation under subsection (1) of section thirty-one of this Act by the board administering a milk marketing scheme or a milk product marketing scheme, and the functions of consumers' committees shall be extended accordingly.
- (2) The board administering a milk marketing scheme or a milk product marketing scheme shall, before exercising any powers conferred on them by the scheme for regulating in any respect the price at which or the terms on which the regulated product, or any description or quantity thereof, may be sold by a registered producer, give to the consumers' committee having jurisdiction with respect to the area to which the scheme applies a written notice that they are considering whether, and if so how, to exercise those powers and shall give to that committee an opportunity of making representations in the matter and consider any representations made in the matter by that committee ; and the functions of consumers' committees shall be extended accordingly.

41 Extension of application of certain schemes for regulation of marketing of milk in Scotland

- (1) Where in any scheme made by the Minister of Food under Defence Regulations and in force on the thirty-first day of May, nineteen hundred and forty-nine, for the regulation of the marketing of milk in any area in Scotland provision is made for the administration of the scheme by the board administering a scheme under this Act for some other area, the Secretary of State may, if he is satisfied that that board and at least two-thirds of the registered producers in the first-mentioned area assent, by order provide that the scheme under this Act shall, subject to such modifications as may be specified in the order, apply to the first-mentioned area as if that area had been comprised in the scheme under this Act.
- (2) Before any order is made under the foregoing subsection, a draft thereof shall be laid before each House of Parliament and the order shall not be made until the draft has been approved by resolution of each House.

There shall be laid before each House of Parliament with any draft order a statement of the evidence on which the Secretary of State is satisfied as to the assent of two-thirds of the registered producers.

- (3) An order made under subsection (1) of this section may be varied or revoked by a subsequent order made in the like manner and subject to the like consent and conditions as the original order.

42 Interpretation and extent of Part II

- (1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—
 - " milk " means cows' milk ;
 - " milk marketing scheme " means a scheme for regulating the marketing of milk ;
 - " milk product " means any article of food or drink wholly or partly manufactured or derived from milk;

" milk product marketing scheme " means a scheme for regulating the marketing of a milk product.

- (2) Any functions conferred on the board administering a milk marketing scheme or a milk product marketing scheme by or under any of the provisions of this Part of this Act, shall, for the purposes of that scheme, be deemed to be conferred on the board by the scheme.
- (3) This Part of this Act shall not extend to Northern Ireland.