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STATUTORY INSTRUMENTS

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**1994 No. 2590**

**The North of Scotland Milk Marketing Board  
(Residual Functions) Regulations 1994**

**PART I  
PRELIMINARY**

**Citation, extent and commencement**

1. These Regulations may be cited as the North of Scotland Milk Marketing Board (Residual Functions) Regulations 1994, shall apply in Scotland and shall come into force on 1st November 1994.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Agriculture Act 1993;

“the 1986 Act” means the Insolvency Act 1986<sup>(1)</sup>;

“approved scheme” means the approved scheme (within the meaning of section 24(1) of the Act) of the Board;

“the Board” means the North of Scotland Milk Marketing Board established under the marketing scheme;

“contributions” means contributions payable pursuant to section 25(2) of the marketing scheme;

“eligible producer” means any producer—

(a) who produced and sold milk to the Board, or

(b) by whom contributions were payable,

at any time during the period of 12 months ending on 31 March 1994;

“end year producer” means any producer who produced and sold milk to the Board in the final trading period or from whom contributions become due in respect of that period;

“final trading period” means the period commencing on 1st April 1994 and ending immediately before Vesting Day;

“general fund” means the fund established under regulation 17;

“Joint Committee” means the Committee established under section 23 of the marketing scheme;

“the marketing scheme” means the Scheme set out in the Schedule to the North of Scotland Milk Marketing Scheme (Approval) Order 1934((2));

“preserved”, in relation to a specified provision of the marketing scheme, means subjected to section 14(3)(a) of the Act (which provides that, notwithstanding section 1(1) of the Act (which provides for the revocation of the marketing scheme on Vesting Day) the provision shall continue to have effect by virtue of these Regulations, subject to such modifications as may be specified in these Regulations);

“producers' price” has the meaning assigned to it in section 24(9) of the marketing scheme;

“register” has the meaning assigned to it in regulation 14(1);

“registered” means registered under these Regulations;

“retained” means retained by the Board following the transfer under section 11 of the Act;

“Vesting Day” means 1st November 1994 being the day on which under the approved scheme and in accordance with that scheme certain property, rights and liabilities of the Board are transferred to a successor body under section 11 of the Act.

(2) Section 1(1) of the marketing scheme is preserved, subject to the modification that there shall be inserted at the end the words “, and applies to Scotland.”.

(3) Section 2(1) of the marketing scheme in so far as it relates to the following expressions and definitions assigned to them is preserved:–

- (a) “buyer”;
- (b) “Minister”;
- (c) “producer”; and
- (d) “General Meeting”

and in these Regulations any reference to any one of these expressions has the meaning assigned to it in that scheme.

(4) Section 2(1) of the marketing scheme in so far as it relates to the expressions “accounting period” and “commercial activities” is preserved, subject to the modification that–

- (a) in the definition “accounting period”–
  - (i) before the words “such period” there shall be inserted the words “in the period prior to Vesting Day the final trading period and thereafter”; and
  - (ii) the words “comprising twelve consecutive calendar months” shall be omitted;
- (b) in the definition “commercial activities”–
  - (i) after the words “out by the Board” there shall be inserted the words “in the final trading period”; and
  - (ii) for the word “Scheme” there shall be substituted the words “marketing scheme”

and in these Regulations any reference to any one of those expressions has the meaning assigned to it in that scheme as modified by this regulation.

(5) At the end of section 2 of the marketing scheme there shall be inserted the following subsection:–

“(3) Other expressions used in this Scheme have, in so far as the context admits, the same meanings as in the North of Scotland Milk Marketing Board (Residual Functions)

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(2) S.R. & O. 1934/703, as amended by S.I. 1950/2058, 1957/2025, 1961/549, 1978/583, 1979/319, 1981/447 and 864, 1982/970; 1988/182 and 1991/1735 and 1992/3142. Section 1(1) as read with section 1(4) of the Act revokes the marketing scheme on Vesting Day, apart from the winding up provisions which are continued in force, subject to the provisions of these Regulations, by section 13, and such other provisions as are preserved by these Regulations, pursuant to section 14(3)(a).

Regulations 1994 and those Regulations shall be read with this Scheme as if they and this Scheme formed a single instrument.”

(6) In these Regulations unless the context otherwise requires any reference to a numbered regulation shall be construed as a reference to that regulation so numbered in these Regulations.

**Effect of provisions of the marketing scheme as preserved or continuing in force**

3.—(1) The sections of the marketing scheme which—

- (a) are preserved; or
- (b) by virtue of section 13 of the Act continue in force subject to the provisions of Part VII of these Regulations,

shall in aggregate have effect as set out in the Schedule to these Regulations.

(2) In the sections of the marketing scheme which are preserved for any reference to “the Scheme” there shall be substituted a reference to “this Scheme”, save where other express provision is made.