

SCHEDULES

SCHEDULE 2

PROVISIONS RELATING TO CARRYING OUT OF APPROVED SCHEME OF REORGANISATION

Restraints on alienation etc.

11.—(1) For the purposes of this paragraph, a provision is a qualifying provision if—

- (a) it imposes an absolute prohibition on the effecting of any description of transaction, other than a transfer, with respect to any property or rights of the Board, or of a subsidiary of the Board;
- (b) the prohibition which it imposes is imposed for purposes other than public purposes.

(2) Where an approved scheme—

- (a) identifies a qualifying provision as one to which this paragraph applies; and
- (b) specifies one of the relevant bodies as the body against which any claim under paragraph 12 in relation to the identified provision is to be made,

that provision shall, subject to any provision of regulations under sub-paragraph (3)(c), be treated as not applying in the case of a transaction effected under the scheme.

(3) The Department may make regulations—

- (a) with respect to the giving of notice of a provision of an approved scheme which identifies a qualifying provision as one to which this paragraph applies;
- (b) with respect to the giving by the Department of a certificate of compliance in relation to the giving of notice under paragraph (a); and
- (c) excluding sub-paragraph (2) where no certificate of compliance under paragraph (b) has been given at the time that a transaction is effected.

(4) Sub-paragraph (2) shall not apply in the case of a provision which is formulated specifically with reference to the possibility of the undertaking of the Board being transferred otherwise than to a board constituted by a scheme under Part II of the Agricultural Marketing (Northern Ireland) Order 1982^{F1}.

(5) In sub-paragraph (2)(b), the reference to the relevant bodies is to—

- (a) the Board; and
- (b) the body or bodies to which property, rights or liabilities of the Board are, under the scheme, to be transferred under Article 14.

(6) For the purposes of this paragraph, any provision which has the effect of penalising the effecting of a description of transaction shall be treated as prohibiting it.

F1 1982 NI 12

Changes to legislation:

There are currently no known outstanding effects for the The Agriculture (Northern Ireland) Order 1993, Paragraph 11.