



# Agriculture Act 1993

## 1993 CHAPTER 37

### PART I

#### MILK MARKETING

##### *Miscellaneous*

#### **16 Membership of milk marketing board**

- (1) No election of members of a milk marketing board, or of a committee under the marketing scheme administered by such a board, (other than an election for the purpose of filling a casual vacancy) shall be held after 31st December 1993 or such later day as the appropriate authority may by order specify.
- (2) The term of office of any member of a milk marketing board, or of a committee under the marketing scheme administered by such a board, shall, instead of expiring at any other time, expire—
  - (a) where property, rights or liabilities of the board are transferred under section 11 above, on the day of the transfer, and
  - (b) where the marketing scheme administered by the board is revoked by section 1(1) above without property, rights or liabilities of the board having been transferred under section 11 above, at such time as the board is dissolved in consequence of being wound up under section 15(2) above.

#### **17 Levies**

- (1) This section applies where—
  - (a) property, rights or liabilities of a milk marketing board are transferred under section 11 above in accordance with an approved scheme, and
  - (b) under the scheme, any liabilities of the board are excepted from transfer under that section.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The appropriate authority may, on the application of the board, by order give effect to a scheme enabling the board to require eligible producers to make contributions for the purpose of enabling it to meet its liabilities.
- (3) The appropriate authority shall not make an order under subsection (2) above unless it is satisfied—
  - (a) that the board’s assets are insufficient to meet its liabilities;
  - (b) that the board has taken all reasonable steps to minimise the amount required to meet its liabilities;
  - (c) that there is no other reasonably practicable way of discharging its liabilities;
  - (d) that the amount proposed to be raised under the scheme is reasonable; and
  - (e) that the basis on which contributions are to be assessed under the scheme is reasonable.
- (4) In subsection (2) above, the reference to eligible producers is to the persons who, under the approved scheme, are entitled to participate in the distribution of assets of the board by virtue of their being, or having been, registered producers.

## **18 Power to carry out preparatory work**

- (1) The functions of a milk marketing board shall be deemed always to have included the function of preparing for the enactment of this Part of this Act.
- (2) In this section, “milk marketing board” includes the board established under the Milk Marketing Scheme (Northern Ireland) 1989; and, in the application of this section to that board, the reference to the enactment of this Part of this Act shall be construed as a reference to the making of Northern Ireland legislation corresponding to this Part.

## **19 Overriding nature of functions under Part I**

Nothing done in pursuance of this Part of this Act by a milk marketing board, or by any member or officer of such a board, shall be taken to constitute a breach of any duty owed, apart from the provisions of this Part of this Act, to persons who are registered producers.

## **20 Functions under section 19 of the Agricultural Marketing Act 1958**

The functions of a committee appointed under section 19 of the Agricultural Marketing Act 1958 (consumers' committees and committees of investigation) shall not include the consideration of anything done by a milk marketing board—

- (a) by way of preparing for the enactment of this Part of this Act, or
- (b) in connection with an application under this Part of this Act or the carrying out of an approved scheme.

## **21 Restriction of Agricultural Marketing Act 1958**

- (1) Part I of the Agricultural Marketing Act 1958 (agricultural marketing schemes) shall cease to have effect in relation to milk.
- (2) Subsection (1) above shall come into force on the day on which section 1(1) above comes into force completely.

- (3) The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly shall by order certify the date of coming into force of subsection (1) above.