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*Changes to legislation: There are currently no known outstanding effects for the Agriculture Act 1993, Paragraph 45. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

#### PROVISIONS RELATING TO CARRYING OUT OF APPROVED SCHEME OF REORGANISATION

#### PART II

#### OTHER PROVISIONS

##### *Restrictions on change of location*

- 45 (1) For the purposes of this paragraph, a provision is a qualifying provision if—
- (a) it is contained in a qualifying agreement,
  - (b) it imposes an absolute or qualified prohibition on the movement outside a specified area of property to which the agreement relates, and
  - (c) the prohibition which it imposes is imposed for purposes other than public purposes.
- (2) For the purposes of sub-paragraph (1) above, an agreement is a qualifying agreement if—
- (a) it is an agreement under which moveable property is leased to a milk marketing board or to a subsidiary of such a board, and
  - (b) an approved scheme makes provision for the transfer of rights and liabilities of the lessee under the agreement.
- (3) Where an approved scheme—
- (a) identifies a qualifying provision as one to which this paragraph applies,
  - (b) specifies a relevant modification in relation to that provision,
  - (c) specifies a commencement date in relation to the modification, and
  - (d) specifies one of the relevant bodies as the body against which any claim under paragraph 46 below, in relation to that provision, is to be made,
- then, subject to any provision of regulations under sub-paragraph (4)(c) below, that provision shall have effect subject to the specified modification on and after the commencement date specified in relation to it.
- (4) The appropriate authority may make regulations—
- (a) with respect to the giving of notice of a provision of an approved scheme which does any of the things mentioned in paragraphs (a) to (c) of sub-paragraph (3) above,
  - (b) with respect to the giving by the authority of a certificate of compliance in relation to the giving of notice under paragraph (a) above, and
  - (c) excluding sub-paragraph (3) above where no certificate of compliance under paragraph (b) above has been given before such date as may be specified in the regulations.

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- (5) Where by virtue of sub-paragraph (3) above a qualifying provision is modified in its application to any property, the fact that, at any time in the week beginning with the date on which the modification first has effect, that property is outside the permitted area shall not be treated as constituting a breach of the provision if the property—
- (a) is in the area which was the permitted area before the modification had effect, or
  - (b) is in transit from that area to the permitted area.
- (6) In sub-paragraph (3)(b) above, “relevant modification”, in relation to a qualifying provision, means a change, in relation to any of the property to which the provision applies, in the area by reference to which the qualifying provision has effect.
- (7) In sub-paragraph (3)(d) above, the reference to the relevant bodies is to—
- (a) the milk marketing board to which the scheme relates, and
  - (b) the body or bodies to which property, rights or liabilities of that board are, under the scheme, to be transferred under section 11 above.
- (8) In sub-paragraph (4) above, “appropriate authority” means—
- (a) in the case of an approved scheme relating to the England and Wales Milk Marketing Board, the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and
  - (b) in any other case, the Secretary of State.
- (9) For the purposes of this paragraph, any provision which has the effect of penalising the movement of property outside a specified area shall be treated as prohibiting it.

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