

1987 No. 740 (S. 59)

AGRICULTURE

**The Aberdeen and District Milk Marketing Scheme
(Amendment) Approval Order 1987**

Made - - - - - *21st April 1987*

Coming into force *1st May 1987*

Whereas the Aberdeen and District Milk Marketing Board (hereinafter referred to as "the Board") has submitted to the Secretary of State certain amendments to the Aberdeen and District Milk Marketing Scheme 1984(a), and the Secretary of State, as required by section 2 of, and the First Schedule to, the Agricultural Marketing Act 1958(b), duly published notice of the submission of the said amendments, of the place where copies of them might be obtained and inspected, and of the time within which objections and representations with respect thereto might be made;

And whereas no such objections were made and the Secretary of State, by virtue of the powers conferred on him by the said section 2 and First Schedule, made certain modifications, to which the Board assented, in the said amendments which, as so modified, are set out in the Schedule hereto;

Now, therefore, in exercise of the powers conferred on him by the said section 2 and First Schedule, and of all other powers enabling him in that behalf, the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Aberdeen and District Milk Marketing Scheme (Amendment) Approval Order 1987 and shall come into force on 1st May 1987.
2. The amendments to the Aberdeen and District Milk Marketing Scheme 1984 set out in the Schedule to this Order are hereby approved.

New St. Andrew's House, Edinburgh
21st April 1987

John J. MacKay
Parliamentary Under Secretary of State,
Scottish Office

(a) See S.I. 1984/464.
(b) 1958 c.47.

AMENDMENTS TO THE SCHEME

The Aberdeen and District Milk Marketing Scheme 1984 shall be amended as follows:-

1. In section 3, after the words "these Counties" there shall be added the following:-
" (hereinafter referred to as "the area")".
2. In section 4, for subsections (2) to (4)(b) inclusive there shall be substituted the following:-
 - (2) *Composition of the Board*
 - (a) Subject to the provisions of paragraph (e) hereof with regard to transitional arrangements and subsection (6) hereof with regard to the filling of casual vacancies, the Board shall consist of nine members elected in accordance with subsection (4) hereof and two members appointed by the Minister in accordance with paragraph (2)(1)(b) of Schedule 2 to the Act;
 - (b) Of the nine elected members, eight shall be representatives of registered ordinary producers in the area and one a representative of registered producer-retailers in the area;
 - (c) Each member of the Board shall retire from office on the day prior to the day of election of members to the Board in the fourth year after he is elected but, subject to the provisions of paragraph (e) hereof and subsection (3) hereof, shall be eligible for re-election. For the purpose of this paragraph any member appointed to fill a casual vacancy shall be deemed to have been elected on the date of election of the member whom he succeeds;
 - (d) The day of election of members of the Board shall be the day of the Annual General Meeting in each year;
 - (e) Notwithstanding the provisions of paragraphs (a) and (b) hereof, the number of elected members of the Board serving immediately prior to 1st May 1987 is thirteen of whom nine are representatives of registered producers and four are representatives of registered producer-retailers (hereinafter referred to as "the sitting members"). Until the number of the sitting members representing registered producers or producer-retailers is reduced to the number of such representatives respectively specified in paragraph (b) hereof, as the consequence of any of the provisions of paragraph (c) and subsection (6) and (7) hereof, no member shall be elected to fill any vacancy or any casual vacancy which may thereby arise.
 - (3) *Nomination of candidates*
 - (a) Before each Annual General Meeting the Board shall give notice to every registered producer of any vacancy in the membership of the Board due to be filled at the Annual General Meeting, the address at which the Board are prepared to receive nominations and the last date (hereinafter called "the closing date for nominations") on which the Board are prepared to receive them, provided that the period between notification as aforesaid and the closing date for nominations shall be not less than twenty days;
 - (b) Persons nominated to represent ordinary producers shall be registered ordinary producers or registered producer-retailers;
 - (c) No person shall be nominated to represent producer-retailers other than a registered producer-retailer;
 - (d) For the purpose of nominations and elections, a producer-retailer is defined as a person who has sold by retail, semi-retail or wholesale during the 12 months ending on the preceding 31st March at least one half of the total milk production of that person's registered farm. A producer-retailer who has sold to the Board more than half of the total milk produced on the registered farm during the same period shall be deemed to be an ordinary producer;
 - (e) Nominations to represent either ordinary producers or producer-retailers shall be made in writing. Each nomination must be signed by at least three registered producers of the same category as that in which the vacancy occurs;
 - (f) Forms for the nominations of candidates shall be available on request from the Secretary of the Board and must be lodged at the Board's head office by fifteen hundred hours on the closing day for nominations specified in the form;
 - (g) If at the end of the third day after the closing date for nominations there is no duly nominated candidate for a vacancy, the Board shall nominate a candidate for that vacancy.
 - (4) *Election of Members*
 - (a) Every registered producer shall have one vote in respect of each vacancy: provided that-
 - (i) a vacancy for an ordinary producer shall only be voted upon by ordinary producers; and
 - (ii) a vacancy for a producer-retailer shall only be voted upon by producer-retailers;

- (b) Subject to the provisions of subsection (4)(g) hereof, the Board shall, not later than twenty days before the Annual General Meeting, send to every registered producer entitled to vote in the election a voting paper stating the names of the duly nominated candidates, the address to which the voting paper is to be sent and the date (not being less than fifteen clear days after the despatch of the voting paper) by which the completed voting paper is to be received by the Board;”.
3. In section 6, subsection (2), for the words “six members” there shall be substituted the words:–
“four members, but until the number of elected members has fallen to nine as a consequence of the provisions of section 4, subsection (2), paragraph (e), the quorum shall be six members present”.
4. In section 7, for subsection (3) there shall be substituted the following subsection:–
“(3) The Board shall delegate to the Executive Committee all the functions of the Board under this Scheme except their functions under sections 2 to 52 and Schedules (1) to (4) (inclusive) of this Scheme: provided that the Board may at their discretion so delegate all or any of the said excepted functions other than a power to impose penalties and any power in connection with the borrowing of money.”.
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves amendments to the Aberdeen and District Milk Marketing Scheme 1984. It provides for a reduction in the number of elected Board members to reflect reductions in the number of registered producers, for delegation of the Board’s functions to the Executive Committee to be discretionary rather than obligatory as previously, and for the amalgamation of the electoral sub-areas of Aberdeen and Kincardineshire with Banff which areas previously were represented separately.