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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 IV

FINANCIAL PROVISIONS

**General fund**

17. There shall be established a general fund which shall be administered and controlled by the Board. All moneys received by the Board shall be paid into the general fund and any moneys required by the Board for the discharge of their functions shall be paid out of that fund.

**Information to be furnished by registered producers**

18. Section 18 of the marketing scheme is preserved, subject to the modification that for the words “operation of the scheme” there shall be substituted the words “discharge of their functions”.

**Expenses of collection of milk**

19. Section 21(4) of the marketing scheme is preserved, subject to the modification that—
- (a) after the word “registered” there shall be inserted the words “end year”;
  - (b) before the word “fund” there shall be inserted the word “general”; and
  - (c) the words “established in terms of section 24(3) of the Scheme” shall be omitted.

**Financial provisions and payment for milk**

- 20.—(1) Section 24(5) of the marketing scheme is preserved, subject to the modification that—
- (a) after the words “rendered to him” there shall be inserted the words “in the final trading period”; and
  - (b) after the word “registered” there shall be inserted the words “end year”.
- (2) Section 24(6) of the marketing scheme is preserved, subject to the modification that—
- (a) after the word “registered” there shall be inserted the words “end year”; and
  - (b) after the words “sold by them” there shall be inserted the words “in the final trading period”.
- (3) Section 24(7) of the marketing scheme is preserved, subject to the modification that—
- (a) after the word “registered”, wherever occurring, there shall be inserted the words “end year”;
  - (b) the figure “(4),” shall be omitted; and
  - (c) the words “under section 25 of the Scheme” shall be omitted.

- (4) Section 24(9) of the marketing scheme is preserved, subject to the modification that—
- (a) for the words “in any accounting period” there shall be substituted the words “in the final trading period”;
  - (b) the figure “(4)” shall be omitted;
  - (c) the words “to provide reserves and” and the words “, or brought forward from a previous accounting period,” shall be omitted;
  - (d) after the word “registered”, wherever occurring, there shall be inserted the words “end year”; and
  - (e) before the word “fund” there shall be inserted the word “general”.
- (5) Section 24(9A) and (9B) of the marketing scheme is preserved, subject to the modification that—
- (a) in subsection (9A)—
    - (i) the words “(a) sums set aside by the Board under subsection (8)(a) hereof and not deducted under subsection (9) hereof, and (b)” shall be omitted;
    - (ii) for the words “that accounting”, wherever occurring, there shall be substituted the words “the final trading”;
    - (iii) after the word “registered” there shall be inserted the words “end year”; and
    - (iv) for the word “Scheme” there shall be substituted the words “marketing scheme”; and
  - (b) in subsection (9B)—
    - (i) after the word “registered” there shall be inserted the words “end year”; and
    - (ii) for the words “pool price” there shall be substituted the words “producers' price”.
- (6) Section 24(10) of the marketing scheme is preserved, subject to the modification that—
- (a) after the words “obtain loans” there shall be inserted the words “or advances”; and
  - (b) the words from “the Agricultural Marketing (Scotland) Fund” to “and other” shall be omitted;
  - (c) before the word “persons” there shall be inserted the word “any”; and
  - (d) after the words “from banks” there shall be inserted the words “or building societies”.
- (7) Section 24(11) of the marketing scheme is preserved, subject to the modification that—
- (a) after the words “credit of the” there shall be inserted the word “general”;
  - (b) the words “or any reserve” shall be omitted;
  - (c) after the words “in any bank” there shall be inserted the words “or building society”; and
  - (d) for the words “, but, except” to the end of the subsection there shall be substituted the words “in such manner as they may determine.”

### **Sales in final trading period by retail, semi-retail and wholesale**

- 21.** Section 25(2)(a) and (b) and (3) of the marketing scheme is preserved, subject to the modification that—
- (a) in subsections (2) and (3) after the word “registered”, wherever occurring, there shall be inserted the words “end year”;
  - (b) in subsection (2) after the words “production which he has sold”, “their own production sold by them” and “cost of advertising milk”, where they respectively occur, there shall be inserted the words “in the final trading period, or any part thereof”;
  - (c) in subsection (2)(a)—

- (i) after the word “producer” in the first line there shall be inserted the words “licensed by the Board to sell milk by retail, semi-retail or wholesale”;
  - (ii) the words “from time to time” shall be omitted;
  - (iii) for the words “an accounting period” there shall be substituted the words “that period”; and
  - (iv) for the words “during that period” there shall be substituted the words “in the first accounting period after Vesting Day”;
- (d) in subsection (2)(b) the words “from time to time” and the words “referred to in section 23 of the Scheme” shall be omitted;
  - (e) in subsection (3)(b) the words “from time to time” shall be omitted; and
  - (f) in subsection (3)(c) the words “and from time to time,” shall be omitted.

### **Arbitration in cases where producers or buyers are aggrieved**

**22.**—(1) Section 31 of the marketing scheme is preserved, subject to the modification that in subsection (1)–

- (a) after the words “omission of the Board” there shall be inserted the words “affecting the discharge of their functions under the North of Scotland Milk Marketing Board (Residual Functions) Regulations 1994 (and whether occurring before or on or after Vesting Day),”;
- (b) for the words “appointed by the Minister”, “apply to the Minister for the appointment of an arbiter.” and “by the Minister” where they respectively occur there shall be substituted the words “to be agreed upon by the producer and the Board and, failing agreement, to be appointed, on application being made to him by either party, by the sheriff principal of the sheriffdom in which the producer has his place, or principal place, of business”, “appoint the arbiter agreed upon or, on failure to agree upon an arbiter within fourteen days, each party or both parties may apply to the sheriff principal for the appointment to be made.” and “as aforesaid” respectively; and
- (c) after the words “If a person” and “new arbiter may be” respectively there shall be inserted the words “agreed upon or”.

(2) Section 31 of the marketing scheme, as modified by paragraph (1) above, shall apply in the case of buyers as it applies in the case of producers.

### **Accounts**

**23.** Section 35 of the marketing scheme is preserved, subject to the modification that–

- (a) in subsection (1)–
  - (i) after the words “cause to be kept” there shall be inserted the words “, for every accounting period,”; and
  - (ii) after the words “commercial activities” there shall be inserted the words “in the final trading period”;
- (b) in subsection (1A) after the words “commercial activities” there shall be inserted the words “in respect of the final trading period”;
- (c) in subsection (2)–
  - (i) the words from “for the fund established” to “in respect of the Board’s commercial activities.” shall be omitted;
  - (ii) after the words “Expenditure Account” there shall be inserted the words “and a Cash Flow Statement”;

- (iii) after the words “commercial activities” there shall be inserted the words “in the final trading period”;
- (d) in subsection (3A) for the words “workings of the Scheme” there shall be substituted the words “workings of the marketing scheme and after Vesting Day for the discharge of their functions”; and
- (e) in subsection (5)–
  - (i) for the words “the Board’s commercial activities” there shall be substituted the words “any of the Board’s activities”; and
  - (ii) the words “sections 15A and 24(3) of the Scheme, of” shall be omitted.