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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 VII**

**FINAL WINDING UP OF THE BOARD**

**Winding up under the 1986 Act**

**32.**—(1) Section 43 of the marketing scheme (which by virtue of section 13 of the Act but subject to these Regulations continues in force notwithstanding the revocation of the marketing scheme on Vesting Day) shall be amended in accordance with this regulation.

(2) In section 43(1)—

- (a) for the words “Part IX of the Companies Act, 1948” there shall be substituted the words “Part V of the 1986 Act”;
- (b) the words “and replaces Part X of the Companies Act, 1929” shall be omitted; and
- (c) for the words “paragraphs 4 to 6 inclusive of the Second Schedule to the Act” there shall be substituted the words “section 47A of this Scheme”.

(3) In section 43(2)—

- (a) for the words from the beginning to “each contributor” there shall be substituted the words “For the purposes of section 226 of the 1986 Act, and notwithstanding any exercise of the powers conferred on the Board and the Minister by section 17 of the Act, every registered eligible producer shall be liable to contribute to the payment of the debts and liabilities of the Board and to the costs and expenses of the winding up”;
- (b) after the words “sold by him” there shall be inserted the words “to the Board, or on which contributions were payable,”;
- (c) the word “relevant”, where it first occurs, shall be omitted;
- (d) after the word “period”, where it first occurs, there shall be inserted the words “of 12 months ending on 31 March 1994”;
- (e) for the words “and shall” there shall be substituted the words “, but such liability, taking account of any contributions made pursuant to section 17 of the Act, shall”; and
- (f) the words from “, but declaring” to “shall not exceed 5 pence” shall be omitted.

(4) In section 43(3)—

- (a) after the word “registered”, where it first occurs, there shall be inserted the word “eligible”;
- (b) the words from “Provided” to the end shall be omitted.

(5) At the end of section 43 of the marketing scheme there shall be inserted the following section:—

“**43A.**—(1) For the purposes of sections 221, 222 and 224 of the 1986 Act, the principal place of business of the Board shall be deemed to be the office of the Board the address of which has been notified to the Minister under section 8 of this Scheme.

(2) Section 221 of the 1986 Act shall apply in relation to the Board as if paragraph (a) of subsection (5) of that section were omitted.

(3) Section 223 of the 1986 Act shall not apply in relation to the Board.

(4) Section 224 of the 1986 Act shall apply in relation to the Board as if the words “or any member of it as such” were omitted.

(5) A petition for winding up of the Board may be presented by the Minister as well as any person authorised by section 124(1) of the 1986 Act (as applied in relation to the Board by section 221(1) of that Act) to present a petition for winding up of the Board.

(6) Sections 204 and 205 of the 1986 Act shall not apply in relation to the Board, but the dissolution of the Board after winding up under the 1986 Act shall proceed in accordance with section 14(5) of the Act.”