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STATUTORY INSTRUMENTS

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**1994 No. 2591**

**The Scottish Milk Marketing Board  
(Residual Functions) Regulations 1994**

**PART II**

**CONSTITUTION AND MEMBERSHIP OF THE BOARD**

**Members of the Board**

**5.—(1)** The Board shall consist of not more than five nor less than three members whom the Minister shall appoint.

(2) The Minister shall designate one of the members appointed under this regulation as the chairman of the Board.

(3) In appointing a person to be a member of the Board, the Minister shall have regard to the desirability of appointing—

- (a) persons who have experience of, and have shown capacity in, some matter relevant to the Board's functions, and
- (b) (without prejudice to sub-paragraph (a) above) persons who are producers.

(4) Subject to the following provisions of this regulation, a member of the Board shall hold and vacate office in accordance with the terms of his appointment specified in the instrument by which the Minister appoints him.

(5) Any appointment of a person as a member of the Board shall be for a term not exceeding two years, but a person who ceases to be such a member at the end of the term shall be eligible for re-appointment.

(6) A member of the Board may at any time by notice to the Minister resign his office.

(7) The Minister may remove a member of the Board if he is satisfied that—

- (a) the member has been absent without the consent of the Board from two consecutive meetings of the Board;
- (b) the member has been sequestered, has become bankrupt or has granted a trust deed in favour of his creditors or that he is otherwise apparently insolvent (within the meaning of the Bankruptcy (Scotland) Act 1985(1));
- (c) the member is unable or unfit to carry out the functions of a member;
- (d) the member has not complied with the terms of his appointment; or
- (e) the member has been convicted of an indictable offence.

(8) Section 4(7) of the marketing scheme is preserved, subject to the modification that—

- (a) after the figure “(7)” there shall be inserted the letter “(a)”;
- (b) for the last sentence there shall be substituted the following sentence:—

“A member of the Board shall not, however, be precluded from voting on a question relating to—

- (i) the manner in which any milk which is the property of the Board is to be dealt with by reason only that he has sold milk to or through the Board; or
- (ii) any contract of insurance which the Board are empowered to effect under regulation 33 of the Scottish Milk Marketing Board (Residual Functions) Regulations 1994;

nor shall he be required to withdraw from a meeting of the Board at which such questions are being considered.”; and

(c) there shall be added after subsection (7)(a) the following subsection:—

“*Deeds.*

- (b)
  - (i) All deeds and other writings to which the Board are a party shall be held to be validly executed on behalf of the Board by being sealed with the common seal of the Board and signed by two members of the Board or by one member of the Board and the Secretary, and such subscription on behalf of the Board shall be binding whether attested by witnesses or not.
  - (ii) All deeds and other writings executed in any place out of Great Britain or Northern Ireland shall be validly executed by being signed by such persons as may be duly authorised by the Board.
  - (iii) A document or proceedings requiring authentication by the Board may be signed by a member of the Board, Secretary or other person authorised by the Board, and need not be under the common seal of the Board.”.