

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Agricultural Marketing Act (Northern Ireland) 1964. (See end of Document for details)

SCHEDULES

SCHEDULE 1 ^{F1}

Section 2(1) (5).

APPROVAL, REVOCATION AND CESSER OF SCHEMES

F1 Mod., 1982 NI 12

PART I

APPROVAL OF SCHEMES

- 1 Before approving a scheme, the Ministry shall cause to be published, in the Belfast Gazette and in such other manner as the Ministry thinks best for informing persons affected, notice of the framing of the scheme, of the place where copies thereof may be obtained (on payment of such fee as may be specified in the notice) and inspected, and of the time (which shall not be less than six weeks after such publication in the Belfast Gazette) within which objections and representations with respect to the scheme may be made.
- 2 Every objection must be sent to the Ministry in writing and must state the grounds of objection and the specific modifications required.
- 3 Where an objection has been duly made to a scheme by a person affected thereby and has not been withdrawn, the Ministry, unless it considers the objection to be frivolous or unless it has modified the scheme as required by the objection, shall, before taking any further action under this Act in relation to the scheme, direct a public inquiry to be held and shall consider the report of the person who held the inquiry.
- 4 The Ministry may by regulations provide for such matters as it thinks necessary regarding an inquiry held under paragraph 3 and section 65 of and Schedule 7 to the Health Services Act (Northern Ireland) 1948 ^{F2} shall, in their application to any such inquiry by virtue of section 23 of the Interpretation Act (Northern Ireland) 1954 , be subject to the provisions of any regulations made under this paragraph.

F2 1971 c.1 (NI); 1972 NI 14

- 5 After considering any objections and representations duly made with respect to the scheme as framed and after holding such inquiries, if any, as it thinks fit or is required to hold under paragraph 3, the Ministry may make such modifications in the scheme as it thinks proper.

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PART II

REVOCATION AND CESSER OF SCHEMES

- 6 Where a scheme is revoked by a subsequent scheme approved by an order of the Ministry, the subsequent scheme may provide for the transfer to the new board of the whole or any part of the property, rights and liabilities of the existing board, for the continuation by or against the new board of any legal proceedings pending by or against the existing board, and for the dissolution, without winding up, of the existing board.
- In this paragraph the expression “new board” means the board administering the subsequent scheme, and the expression “existing board” means the board administering the scheme revoked.
- 7 The Ministry shall revoke a scheme
- (a) if an order is made for the winding up of the board administering the scheme; or
 - (b) if either House of Parliament passes a resolution under this Act for the revocation of the scheme.
- 8 The board administering a scheme shall not be deemed to be dissolved by reason only that the scheme has been revoked, or has ceased to have effect by virtue of this Act, and (except where the board is dissolved under paragraph 6) so much of the scheme as relates to the winding up of the board shall continue in force notwithstanding such revocation or cesser.

SCHEDULE 2 ^{F3}

Section 3(10).

PROVISIONS AS TO THE INCORPORATION, REGISTRATION AND WINDING UP OF BOARDS.

F3 Mod., 1982 NI 12
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- 1 The board shall be constituted by the scheme as a body corporate and, subject to the provisions of this Act and of the scheme, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to the board.
- 2 The scheme shall provide for notification to the Ministry of the address of the office of the board at which communications and notices will at all times be received, and of any change in that address, and the Ministry shall cause a register to be kept showing the address of every board, and the register shall be open for inspection by the public at such times and at such place as the Ministry may direct.
- 3 The scheme shall provide for the winding up of the board, and for that purpose may apply Part IX of the Companies Act (Northern Ireland) 1960 subject to the modifications set out in this Schedule.
- 4 For the purpose of section 349 of the Companies Act (Northern Ireland) 1960, the principal place of business of the board shall be deemed to be to the office of the board registered by the Ministry under this Act.

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- 5 Paragraph (*b*) of sub-section (5) of section 349 of the Companies Act (Northern Ireland) 1960 shall not apply, and paragraph (*c*) of that subsection shall apply as if the words “or any member thereof as such” were omitted.
- 6 A petition for winding up a board may be presented by the Ministry as well as by any person authorised under the provisions of the Companies Act (Northern Ireland) 1960 to present a petition for winding up a company.
- 7 In the event of the winding up of a board, every person who at any time during the relevant period was a registered producer shall be liable to contribute to the payment of the debts and liabilities of the board and to the payment of the costs and expenses of the winding up an amount assessed in such manner and subject to such limitations as may be provided by the scheme, but save as aforesaid no person shall be liable to contribute to the assets of the board in the winding up by reason only of his being or having been a registered producer or a member of the board.
- 8 In paragraph 7 the expression “the relevant period” means—
- (a) where the scheme has been revoked before the commencement of the winding up, the year immediately before the revocation of the scheme;
 - (b) in any other case, the year immediately before the commencement of the winding up.

Schedule 3 rep. by SLR 1973

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