
STATUTORY INSTRUMENTS

1982 No. 1080

The Agricultural Marketing (Northern Ireland) Order 1982

PART II

AGRICULTURAL MARKETING SCHEMES

Financial powers and duties of boards

Schemes to provide for establishment of a fund, payment of contributions, accounting, etc.

15^{F1}—(1) Every scheme shall provide—

- (a) for the establishment of a fund (in this Article referred to as “the fund”) to be administered and controlled by the board, for the payment into the fund of all moneys received by the board, and for the payment out of the fund of any moneys required by the board for the operation of the scheme or otherwise for the purposes of this Part;
- (b) for the payment by registered producers of contributions to the fund of such amounts as may be necessary for the operation of the scheme or otherwise for the purposes of this Part, and for the assessment of the contributions of producers in such manner and subject to such limitations as may be provided by the scheme;
- (c) for the distribution, in such manner as may be provided by the scheme, of all moneys standing to the credit of the fund which are not required for the operation of the scheme or otherwise for the purposes of this Part;
- (d) for the accounts to be kept by the board and for the audit of those accounts;
- (e) for the furnishing by the board to the Department and to registered producers of accounts, returns and other information, including (without prejudice to the generality of the foregoing)—
 - (i) an annual report upon the operation of the scheme administered by the board;
 - (ii) an annual balance sheet and either an annual profit and loss account or, in the case of a board which does not trade for profit, an annual income and expenditure account; and
 - (iii) an annual statement in accordance with Schedule 3;
- (f) for the furnishing by the board, on payment of such reasonable fee (if any) as the board may determine, of a copy of the balance sheet of the board to any person requiring it.

(2) The Department shall lay before the Assembly copies of every annual report received by the Department by virtue of paragraph (1) (e) (i).

(3) Compensation shall be payable under, and in accordance with, a scheme by the board to registered producers in such class of cases as may be specified in the scheme; and any scheme may provide for empowering the board, in such class of cases as may be specified in the scheme, to pay compensation to registered producers in respect of any loss which, in the opinion of the board, has

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been occasioned to those producers by the operation of any scheme, whether administered by that board or not.

F1 mod. by 1984 NI 12, SR 1995/103

Power of boards to make loans and grants and to enter into guarantees

16^{F2}.—(1) A scheme may provide for empowering the board to pay on account or lend to any registered producer a portion of the amount which the board estimates that he will receive from the sale of any quantity of the regulated product produced or in course of production or held in store by him.

(2) A scheme may provide for empowering the board, subject to such limitations as may be specified in the scheme—

- (a) to lend or grant money to any other board or to a board administering an agricultural marketing service scheme under Part III;
- (b) to guarantee payment by any board mentioned in sub-paragraph (a) of any sums which that board may be liable to pay on account of principal or interest in respect of any loan made to it.

(3) Any scheme which contains such a provision as is authorised by paragraph (2) may further provide for securing that any loan, grant or guarantee not specifically authorised by the scheme shall not be made or given by the board except in pursuance of a resolution of the board specifying all material particulars relating to the proposed transaction, being a resolution which has been previously notified to, and approved by, the registered producers in accordance with such requirements in that behalf as may be contained in the scheme.

F2 mod. by 1984 NI 12, SR 1995/103

Borrowing power of boards and provisions as to loans and grants made to boards

17^{F3}.—(1) Every scheme shall provide for empowering the board to borrow money for the purpose of exercising its functions under the scheme.

(2) A board shall have power to accept from any other person any grant to be applied for any of the purposes for which the board is empowered to expend money.

(3) A scheme may provide for empowering the board, in any case where a loan or grant is proposed to be made to it, to agree with the person proposing to make the loan or grant, as the case may be, and, in the case of a loan, with any person proposing to guarantee the repayment thereof, that if the loan or grant is duly made or the guarantee duly given, the board will apply the money obtained by it by means of the loan or grant subject to such conditions (including conditions as to the persons on whose advice the board is to act in applying the said money) as may be specified in the agreement.

(4) Where a said scheme provides for empowering the board to make any such agreement as aforesaid, the scheme—

- (a) shall impose upon the board the duty of carrying into effect any such agreement entered into by it; and
- (b) may provide that where such an agreement contains conditions requiring the board to act on the advice of any specified persons, the provisions of the scheme entitling a registered producer who is aggrieved by any act or omission of the board to refer the matter to

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arbitration shall not apply in relation to anything done, or omitted to be done, by the board in pursuance of the agreement.

(5) The Department may make to the board administering any scheme approved under this Part a loan of such amount and on such terms and conditions as it thinks fit.

F3 mod. by [1984 NI 12](#), SR 1995/103

Investment of surplus funds of boards

18 ^{F4}. Every scheme shall provide for the manner in which the moneys of the board may be invested and shall be so framed as to secure that—

Sub#para. (a) rep. by 2001 c. 14 (NI)

- (b) a statement of the manner in which any such moneys as aforesaid are invested is included in the annual report made by the board to the Department and to registered producers.

F4 mod. by [1984 NI 12](#), SR 1995/103

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Changes and effects yet to be applied to :

- Instrument mod. (prosp.) by [1998 c. 41 s.45\(7\)Sch.7 Pt.II para.20\(2\)\(c\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch.8 rev.inpt. and am. (prosp.) by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.6Sch.14 Pt.II](#)