

SCHEDULES

SCHEDULE 1

Article 4(12).

AMENDMENT AND REVOCATION OF AGRICULTURAL MARKETING SCHEMES

Amendment

1.—(1) Subject to the provisions of this paragraph, an amendment of a scheme may be submitted by the board to the Department for its approval.

(2) Before an amendment of a scheme is submitted to the Department under this paragraph the amendment shall be published in the prescribed manner to all registered producers and if, within the prescribed period after it has been so published, a poll on the question whether it shall be submitted to the Department is demanded by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, the amendment shall not be submitted to the Department unless a poll on that question has been taken and the result thereof shows that the requisite majority of registered producers has voted in favour of its submission.

In this sub#paragraph “prescribed” means prescribed by the scheme.

(3) Where an amendment of a scheme is duly submitted to the Department in accordance with the foregoing provisions of this paragraph, the following provisions of Article 4, that is to say, paragraphs (1) to (6), (8), (10) and (11) shall apply in relation to the amendment as if it were a scheme, but subject to the following modifications, that is to say—

(a) for paragraph (5) there shall be substituted the following paragraph—

“(5) Before making any modifications, the Department shall give notice of the proposed modifications to the board and unless, within four weeks after notice has been so given or such longer time as the Department may allow, the board notifies the Department that it assents to the modifications, the Department shall take no further action in the matter.”

(b) in paragraph (6) for the words “the more efficient production and marketing of the regulated product” there shall be substituted the words “ the more efficient operation of the scheme ”; and

(c) except in a case where the Department is required by paragraph (3) as applied by this sub# paragraph to direct a public inquiry to be held, the provisions of paragraph (6) requiring a draft to be laid before the Assembly and approval of the draft by the Assembly before the Department approves a scheme, and the provisions of paragraph (8) requiring that the date specified in the order shall be after that on which the Assembly resolves that the scheme shall be approved, shall not apply.

Revocation

2.—(1) If a demand for a poll on the question whether a scheme shall be revoked is made to the board in the prescribed manner and by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, the board shall, subject to sub#paragraph (2), forthwith cause a poll of the registered producers to be taken on that question, and if the result of the poll shows that there have voted in favour of the revocation of the scheme—

(a) more than half the total number of registered producers voting on the poll, and

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- (b) such number of registered producers as are together capable of producing more than half the quantity of the regulated product which all the registered producers voting on the poll are together capable of producing,

the board shall, as soon as practicable after the declaration of the result of the poll, communicate the result thereof to the Department, and the Department shall thereupon by order revoke the scheme.

- (2) Without the consent of the board, no poll shall be taken under this paragraph—
 - (i) in the case of a scheme other than a substitutional scheme, within two years after the date of the declaration of the result of the initial poll; or
 - (ii) in the case of any scheme, within the prescribed period after the date of the declaration of the result of any previous poll taken under this paragraph.
- (3) In this paragraph “prescribed” means prescribed by the scheme.

3. A scheme may be revoked by a subsequent scheme, and where a scheme is so revoked 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 and for the continuation by or against the new board of any legal proceedings pending by or against the existing board.

In this paragraph “new board” means the board administering the subsequent scheme, and “existing board” means the board administering the scheme revoked.

4. The Department shall by order revoke a scheme if an order is made for the winding up of the board.

5. Without prejudice to any other powers conferred on it by this Order, the Department, if it is of opinion that any provision of a scheme or any act or omission of a board—

- (a) is contrary to the interests of consumers of the regulated product, or
- (b) is contrary to the interests of a substantial number of persons affected by the scheme and is not in the public interest,

may lay before the Assembly a draft of an order revoking the scheme, and if the Assembly resolves that the order shall be approved, the Department shall make the order to take effect on such date as may be specified in the order, being a date after that on which the Assembly resolves that the order shall be approved.

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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](#)