

## SCHEDULES

### SCHEDULE 5

Article 34(6).

#### REVOCATION OF AGRICULTURAL MARKETING SERVICE SCHEMES

1.—(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 enrolled producers, the board shall, subject to sub#paragraph (2), forthwith cause a poll of the enrolled 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 enrolled producers voting on the poll, and
- (b) such number of enrolled producers as have together, within such period as may be specified by the scheme, sold to the board more than half the quantity of the specified product which the board has bought from enrolled producers voting on the poll within that period

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 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.

2. 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.

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

4. 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 specified 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.

**Changes to legislation:**

The Agricultural Marketing (Northern Ireland) Order 1982, SCHEDULE 5 is up to date with all changes known to be in force on or before 23 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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](#)