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STATUTORY INSTRUMENTS

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**1993 No. 2665**

**The Agriculture (Northern Ireland) Order 1993**

**PART II**

**MILK MARKETING**

*Carrying out of approved scheme*

**Functions of the Board**

**12.** The Board may do whatever is necessary for, or conducive to, the carrying out of an approved scheme in the period up to and including the vesting day under the scheme.

**Functions of the Department**

**13.—(1)** The Department shall satisfy itself, in relation to an approved scheme—

- (a) that so much of the scheme as relates to the period prior to the vesting day under the scheme is duly carried out; and
- (b) that it does not, during that period, become expedient, by virtue of a change of circumstances, that there should be an increase in the provision made by the scheme for meeting liabilities retained by the Board after the transfer under Article 14.

(2) The Department may by notice require the Board to supply to it such information as may be specified in the notice, being information which the Department considers necessary or desirable for the purpose of enabling it to discharge its functions under paragraph (1).

(3) A notice under paragraph (2) shall require the information to be supplied within such period as may be specified in the notice, being not less than 7 days from the date of the notice.

(4) If, at any time before the vesting day under an approved scheme, it appears to the Department

- (a) that the Board has—
  - (i) failed to supply information required by a notice under paragraph (2); or
  - (ii) failed in a material respect to carry out the scheme; or
- (b) that, by virtue of a change of circumstances, it is expedient that there should be such an increase as is mentioned in paragraph (1)(b),

it may give the Board notice of that fact and of the reasons for it.

(5) No notice under paragraph (4) may be given by virtue of sub-paragraph (a)(i) of that paragraph more than 28 days after the Board has purported to comply with the notice under paragraph (2).

(6) The Department shall by notice to the Board withdraw a notice under paragraph (4) if it is satisfied—

- (a) that there is no longer any ground for it; and
- (b) that it continues to be practicable for the scheme to be carried out.

(7) If the Board, in purported compliance with a notice under paragraph (2), knowingly or recklessly supplies information which is false or misleading in a material respect, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **Statutory transfer on vesting day**

**14.**—(1) On the vesting day under an approved scheme, any transfer under the scheme which—

- (a) is a qualifying transfer; and
- (b) is a transfer which the scheme provides is to have effect under this Article,

shall have effect by virtue of this Order.

(2) Paragraph (1) shall not apply if—

- (a) a notice under paragraph (4) of Article 13 has been given in respect of the scheme; and
- (b) the notice has not been withdrawn under paragraph (6) of that Article.

(3) For the purposes of paragraph (1)(a), a transfer is a qualifying transfer if it is—

- (a) a transfer of property, rights or liabilities of—
  - (i) the Board; or
  - (ii) a subsidiary of the Board,

to a body which is a qualifying body; or

- (b) a transfer of property, rights or liabilities of a subsidiary of the Board to the Board.

(4) For the purposes of paragraph (3), a body is a qualifying body if it is—

- (a) a society registered under the Industrial and Provident Societies Act (Northern Ireland) 1969(1) which has not previously traded;
- (b) a company registered under the Companies (Northern Ireland) Order 1986(2) which has not previously traded; or
- (c) a company registered under that Order which was a subsidiary of the Board immediately before the day on which this Order is made.

#### **Other provisions**

**15.** Schedule 2 (which makes provision in relation to or in connection with the carrying out of an approved scheme) shall have effect.

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(1) 1969 c. 24 (N.I.)

(2) 1986 NI 6