

NINTH SCHEDULE

MARKETING OF FRUIT ACT (NORTHERN IRELAND), 1931

Shipment of Ungraded Fruit

Licence-holders or permit-holders may send ungraded apples from Northern Ireland to Great Britain or the Isle of Man on the following conditions:—

- (1) that the apples are in marketable condition;
- (2) that the apples are packed in bags or such other containers as may be approved by the Ministry;
- (3) that where bags are used the weight of apples in each bag shall not exceed 1 cwt.;
- (4) that each bag is clearly and indelibly labelled and each other container clearly and indelibly marked with the words "Ungraded apples for manufacture";
- (5) that the fruit is consigned direct to a manufacturing concern;
- (6) that the number of the licence or permit is clearly shown on each container in the consignment;
- (7) that each consignment is accompanied by a Return or Returns of Shipment as prescribed in Article 5(2)(c) of the Rules made under the above-mentioned Act;
- (8) that where apples are packed in containers other than bags the consignment note must be produced on request by an authorised officer.

Milk

THE MILK MARKETING SCHEME (NORTHERN IRELAND) (APPROVAL) ORDER, 1955, DATED 23RD DAY OF MARCH, 1955, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER SECTION 1 (3) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND), 1933, (23 AND 24 GEO. 5, CH. 22).

1955. No. 43

[C]

Whereas the Ministry of Agriculture for Northern Ireland in exercise of its powers under the Agricultural Marketing Acts (Northern Ireland), 1933 and 1934, framed a Scheme regulating the marketing of milk:

And whereas in pursuance of the provisions of the First Schedule to the Agricultural Marketing Act (Northern Ireland), 1933, notice of the framing of the said Scheme and of the period during which objections and representations with respect thereto might be made was given in the *Belfast Gazette* of 12th November, 1954:

And whereas an objection to the said Scheme as framed was lodged by the Belfast Wholesale Butter Merchants' Association and an inquiry was duly held into the said objection by a person duly appointed by the Minister of Agriculture for Northern Ireland and the said Minister having received and considered the report of the said appointed person:

Now, therefore, the Ministry of Agriculture for Northern Ireland, in exercise of the powers conferred upon it by Section 1 (3) of the Agricultural Marketing Act (Northern Ireland), 1933, hereby makes the following Order:—

1. The said Scheme, as framed and amended by omitting paragraph 3 thereof which, owing to the passing of the Interpretation (Northern Ireland) Act, 1954, is now unnecessary and adding a new paragraph numbered 38 which was not included in the Scheme as framed, is now approved.

2. The said Scheme shall come into force on the first day of April, 1955.

3. This Order may be cited as "The Milk Marketing Scheme (Northern Ireland) (Approval) Order, 1955."

In witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed this 23rd day of March, nineteen hundred and fifty-five, in the presence of

J. I. Magowan,
Secretary.

SCHEDULE

Scheme Framed under the Agricultural Marketing Acts (Northern Ireland), 1933 and 1934, Regulating the Marketing of Milk

PART I

Preliminary

1. This Scheme may be cited as the Milk Marketing Scheme (Northern Ireland) 1955 and applies to Northern Ireland.

2. In this Scheme except where the context otherwise requires—

"Accounting Period" means a year beginning on 1st April and ending on 31st March following.

"Buyer" means a person who buys milk for distribution as liquid milk or for manufacture of milk products notwithstanding that he may at the same time be a producer or registered producer of milk.

"Milk" means cows' milk produced in Northern Ireland.

"Minister" means the Minister of Agriculture for Northern Ireland.

"Ministry" means the Ministry of Agriculture for Northern Ireland.

"Producer" means a producer of milk within Northern Ireland.

"Registered" means registered under this Scheme and registration shall be construed accordingly.

"Secretary" includes any person for the time being authorised by the Board to act as their Secretary.

"The Acts" means the Agricultural Marketing Acts (Northern Ireland) 1933 and 1934.

"The Principal Act" means the Agricultural Marketing Act (Northern Ireland) 1933.

PART II

The Board

3. The Board to administer this Scheme shall be called the Milk Marketing Board for Northern Ireland and shall be a body corporate with common seal and power to hold land without licence in mortmain.

4. Until 31st March, 1956, the Board shall consist of the following persons:—

J. L. T. McAdam, Esq., O.B.E., M.C., Elmdene, Cable Road, Whitehead (*Chairman*)

D. T. Allen, Esq., Derryloiste, Lurgan

Robert Bell, Esq., F.S.A.A., 6 Waterloo Park North, Belfast

S. Boyd, Esq., J.P., Ballywindland, Ballymoney

G. A. Cathcart, Esq., Bellanaleck P.O., Enniskillen

S. Duffield Gibson, Esq., Summerhill, Dunmurry, Belfast

J. K. Lynn, Esq., Gateside, Dundooan, Coleraine

E. V. McCullagh, Esq., Seskinshule, Greencastle, Omagh

A. McLurg, Esq., Templemoyle, Limavady

S. Shaw, Esq., Craigy Dairy Farm, Saintfield, Co. Down

R. Sproule, Esq., Liskey, Strabane

C. M. Stewart, Esq., 28 Rosetta Park, Belfast.

J. W. Walker, Esq., Greywalls, Hillhall, Lisburn

Thereafter the Board shall consist of thirteen members of whom three shall be appointed members, that is to say they shall be appointed and may be removed by the Minister and ten shall be elected members, that is to say, they shall be elected by registered producers in the following manner and according to the following numbers, that is to say:—

(1) One member who shall be known as a County member shall be elected by registered producers in each of the administrative Counties of Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone.

(2) Four members who shall be known as the Regional members shall be elected by the general body of registered producers in Northern Ireland.

5.—(1) The County members first elected for the administrative Counties of Antrim, Down, and Londonderry shall hold office for two years; the remaining County members and any County members subsequently elected shall hold office for four years. The two Regional members who on the occasion of the first election poll the least number of votes shall hold office for two years; the remaining two Regional members and any Regional members subsequently elected shall hold office for four years.

An election for County members and Regional members shall be held in 1956, and thereafter elections shall be held at such intervals as are appropriate in relation to the terms of office defined in the foregoing sub-paragraph.

(2) Every elected member shall, subject to the provisions of this Scheme, take office on the first day of April following his election and shall hold office until the thirty-first day of March in the year in which the next election for his county or region takes place.

6. An elected member of the Board whose term of office expires or who resigns his office shall be eligible for election or re-election.

7.—(1) An elected member of the Board shall cease to hold office—

- (a) if he delivers to the Board a written resignation of his office and the resignation is accepted by the Board, or, if not accepted, is not withdrawn within seven days; or
- (b) if he is detained for more than seven days in any place under any enactment in force in any part of the United Kingdom relating to persons of unsound mind; or
- (c) if he is adjudged bankrupt or enters into a composition with his creditors; or
- (d) if the Board by resolution, declare that he has been absent from six consecutive meetings of the Board without reasonable excuse; or
- (e) if he is convicted of any offence under sub-section (1) of section sixteen of the Principal Act; or
- (f) if the Board by resolution declare that he has failed without reasonable excuse to disclose information which he is required by the provisions of paragraph 18(3) of this Scheme to disclose.

Sub-paragraphs (b), (c) and (e) of this paragraph shall apply to appointed members of the Board, and sub-paragraph (a) shall apply to those members with the substitution of the Minister for the Board.

(2) A member of the Board shall not be eligible for employment by the Board.

8. If an elected member of the Board dies or ceases to hold office under the last preceding paragraph, the Board shall co-opt a person in his place, and any person so co-opted shall, unless he dies or ceases to hold office as aforesaid, hold office for so long as his predecessor would have held office.

9. The Board shall elect from among their members a vice-chairman and after the expiration of the period of office of the chairman by the Principal Act to be designated by the Minister, a chairman. The chairman and vice-chairman so elected shall, provided they remain members of the Board, hold office for four years and if re-elected shall be eligible for re-election as chairman and vice-chairman.

10.—(1) The Board shall at all times have power to act notwithstanding any vacancy among their members and may appoint committees out of their own number.

(2) The Board shall appoint an executive committee consisting of not more than eleven of their members and including the chairman and vice-chairman of the Board and any members appointed by the Minister not being such chairman or vice-chairman.

(3) The chairman and vice-chairman of the Board shall, *ex-officio*, be chairman and vice-chairman of the executive committee. The executive committee shall report their proceedings to and obey any directions of the Board.

11—(1) The quorum of the Board or of any committee thereof shall be such number as the Board may determine so however that in the case of the Board the quorum shall be not less than five and of any committee not less than three.

(2) In each case the quorum shall include at least one person appointed by the Minister.

(3) Questions arising at any meeting of the Board or a committee shall be decided by a majority of the votes of the members present, and in the case of an equality of votes at such a meeting the member acting as chairman shall have a second or casting vote. Three members of the Board may, and the Secretary on the request of any three members of the Board or of the chairman shall, convene a meeting of the Board.

12. All acts done at any meeting of the Board or of any committee thereof shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or qualification of a person purporting to be a member of the Board or the committee, or that a member of the Board has voted upon any question upon which he was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

13. Minutes shall be kept of the proceedings of the Board and of any committee thereof, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which they relate or of a meeting at which they were read be evidence of those proceedings and the meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted. A copy of the minutes of each meeting of the Board, or of any committee thereof, shall be sent to the Ministry within fourteen days of such meeting.

14. The common seal of the Board shall not be applied to any document except by the authority expressed by the resolution of the Board or of the executive committee of the Board, and the application of the seal shall be attested by at least two members of the Board authorised in that behalf and by the Secretary.

15. Contracts and instruments which would not in the case of a private person require to be under seal may be entered into or executed on behalf of the Board by any person authorised in that behalf by the Board.

16. The Board—

(1) may, subject to the provisions of section 10 of the Principal Act, employ a secretary and such other officers, servants and agents as they think fit;

(2) shall have an office at which communications and notices will at all times be received, and shall notify the Ministry of the address thereof, and of any change in that address;

(3) may enter into such agreements, acquire such property and do such things as may in their opinion be necessary or desirable for the purpose of exercising any of their powers or performing any of their duties under this Scheme, and may sell or otherwise dispose of any property acquired by them which they do not need for such purpose.

17. The Board may pay to any member of the Board any such travelling and other expenses as have in their opinion been reasonably incurred by such member in connection with the business of the Board. The Board may also pay to any member such remuneration (if any) as may be recommended by them and approved by the Ministry.

18.—(1) A contract entered into by the Board shall not be avoided by reason only that a member of the Board is also a party thereto or is interested therein.

(2) A member of the Board shall not be liable to account to the Board for any profits realised by him out of any contract by reason only of the fact that the Board are also a party to such contract or are interested therein.

(3) A member of the Board shall forthwith disclose to the Board—

(a) any interest which he has or acquires in any contract to which the Board are a party or in which the Board have or acquire any interest; and

(b) any interest which he has or acquires in any other contract whatsoever, if such interest in any way conflicts with his duty as a member of the Board.

(4) A member of the Board shall not vote upon any question relating to any contract to which he is a party or in which he has any interest; and if he does vote, his vote shall not be counted. Provided that nothing in this provision contained shall preclude a member of the Board from voting on any question relating to the general policy of the Board.

PART III

Registration of Producers

19. The Board shall keep a register of producers, and every producer shall, on application to the Board, be entitled to be registered therein subject as provided in this Part of the Scheme.

20. The register of producers shall be open for inspection at the office of the Board from 10 a.m. to 4 p.m. on such days, other than Saturdays, as the office of the Board is open for the transaction of business. Any person shall be entitled to be supplied with a copy of the register on payment of a fee of such amount as may be approved by the Ministry, or to take extracts therefrom for his own use free of charge.

21.—(1) A producer shall not be eligible for registration by the Board unless he holds a Producer's Licence under the Milk Act (Northern Ireland) 1950 and the registration of any producer shall be deemed to be cancelled if his licence is revoked or deemed to be suspended so long as his licence is suspended.

(2) The Board on being satisfied that a person has ceased to be a producer or is exempt from registration shall remove his name from the Register.

22. The Board may exempt from registration such producers as they may from time to time determine.

23. A producer who is neither a registered producer nor a person exempted from registration shall not sell any milk.

24. All registered producers shall, (except as otherwise provided in this Scheme) sell milk only to or through the agency of the Board; provided that this condition shall not apply to sales of milk by a registered producer to any farm or domestic servant in his employ or worker employed by him on his agricultural holding for consumption in the household of such servant or employee.

PART IV

Elections

25. Nominations of candidates for election to the Board must be lodged with the Ministry not later than the tenth day of January in the year in which the election is to be held. A candidate for election must be nominated in writing by two registered producers as proposer and seconder, and by at least twelve other registered producers as assenting to the nomination, and his nomination shall be sent to the Secretary, Ministry of Agriculture, Stormont, Belfast, by registered post. Each nomination must be accompanied by the assent signed by the candidate that he is willing to act if elected. The proposer and seconder and the assenters to the nomination of a candidate for election shall be registered producers residing within the administrative county or region for which the candidate is nominated, whose names appeared at the first day of November in the previous year on the register of producers.

As soon as possible after the last day for the receipt of nominations but not later than 17th January the Ministry shall publish the names and addresses of the candidates who have been duly nominated. A candidate may withdraw his candidature by sending to the Secretary, Ministry of Agriculture, Stormont, Belfast, by registered post, not later than the fourteenth day of January in the said year, a notice in writing of such withdrawal signed by him.

26. For the purpose of elections of county members to the Board the electoral area shall be the administrative county, and registered producers residing within an administrative county shall be entitled to vote only for candidates nominated for that county. For the purpose of elections of regional members of the Board the electoral area shall be that of Northern Ireland and all registered producers in Northern Ireland shall be entitled to vote for four candidates nominated for the region. Elections shall be conducted by post, and not later than the fourth day of February in the year in which the election is to be held a voting paper shall be sent by the Ministry to every producer whose name appeared at the first day of November in the previous year on the register of producers for those administrative areas for which an election is due to be held. Only such of the said voting papers as are properly completed and as reach the Ministry on or before the eighteenth day of February in the year in which the election is held shall be taken into account. The results of elections shall be made known by the Ministry not later than the tenth day of March following such elections.

PART V

Financial Provisions

27.—(1) For the purpose of securing for registered producers the benefits of any guarantee under Part I of the Agriculture Act 1947 the Board may enter into any agreement with the Minister or the Minister of Food or with the nominee of either and pay or receive money in pursuance of this agreement.

(2) The Board shall exercise their powers under this part of the Scheme subject to the terms of any such agreement as aforesaid.

28. All payments to registered producers for milk sold by them to or through the agency of the Board shall be made by the Board to the registered producers and all payments for milk sold by or through the agency of the Board to the buyers shall be made by the buyers to the Board.

29.—(1) The Board shall establish a fund which shall be administered and controlled by the Board. All monies received by the Board whether from the sale of milk or products made from milk or on foot of any agreement made with the appropriate Minister under paragraph 27(1) of this Scheme or from any other source shall be paid into the fund and any monies required by the Board either for the operation of this Scheme or for any grant which the Board are empowered to make or for any payment which they may be liable to make under any guarantee which they are empowered to give or under any agreement made with the appropriate Minister under paragraph 27(1) of this Scheme or otherwise for the purposes of the Acts in their application to this Scheme shall be paid out of the fund. Any monies for the time being standing to the credit of the fund may be left on current or deposit account in any bank or invested in any securities in which a trustee might lawfully invest trust monies under the powers of the Trustee Act 1893, as extended by any enactment for the time being in force in Northern Ireland.

(2) The Board may in the exercise of their powers under subject to such conditions (including conditions as to the persons paragraph 34 of this Scheme invest money either by way of loan or mortgage, purchase of shares or otherwise, in any business undertaking engaged in the production of any of the commodities specified in sub-paragraph (3) of that paragraph.

(3) The Board may, for the purpose of exercising any of their functions under this Scheme, borrow money in such manner, on such terms and on such security as may be arranged by them with the person from whom the money is borrowed.

(4) The Board may accept from any other person any grant to be applied for any of the purposes for which the Board are empowered to spend money. The Board may agree with the person proposing to make a 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 and the guarantee duly given, the Board will apply the money obtained by them by means of the loan or grant on whose advice the Board are to act in applying the said money) as may be specified in the agreement. It shall be the duty of the Board to carry into effect any such agreement entered into by them.

30.—(1) The Board shall keep proper accounts, and in particular shall keep a separate Administrative Account and a separate Trading Account and shall annually make out a balance sheet and either a profit and loss account or, if the Board do not trade for profit, an income and expenditure account, and shall cause them to be audited by a member of an Institute of Chartered Accountants or of the Society of Incorporated Accountants or of the Association of Certified and Corporate Accountants, and as soon as may be after the auditor has reported thereon and in any case within six months of the close of the period covered by the profit and loss or income and expenditure account, shall send to the Ministry and to every registered producer a copy thereof and of the report of the auditor thereon, and also a report by the Board as to the working of this Scheme in the period covered by the profit and loss or income and expenditure account which report shall include a statement of the manner in which monies are invested.

(2) If and so long as the Board are under any financial liability to the Ministry of Finance, the audited accounts of the Board, together with such information in relation thereto as the Ministry of Finance may require, shall be furnished to that Ministry.

(3) The Board shall, on the demand of any person and on payment by him of a fee of two shillings, furnish to him a copy of their last published accounts.

31.—(1) The Board may from time to time set aside to reserve such sums as they think fit and may utilise such reserves for the operation of the Scheme at such times and in such manner as they may determine.

(2) If the Board are at any time of opinion that the amounts set aside to reserve are more than are required for the operation of the Scheme such sum as the Board may think fit shall be distributed among registered producers in such manner as the Board consider equitable and practicable.

32.—(1) As soon as may be in relation to any accounting period the Board shall estimate the amount they expect to receive during that accounting period from the sale of milk or from any other source, and shall deduct from that amount the amount they estimate will be required to pay all their expenses, losses and outgoings of whatever nature attributable to that period and the amount (if any) to be set aside to reserve. The resultant amount, or such greater or lesser amount as (having regard to the extent that the Board have overestimated or underestimated the amounts as aforesaid) may be available, shall be distributed among registered producers, the proceeds of the sale of whose milk during that period are required to be paid into the fund, in such proportion, in such manner and on such occasions as the Board shall from time to time determine. Provided, however, that from the money distributable to any registered producer under the provisions of this paragraph the Board shall deduct the Standard Transport Charge in accordance with the provisions of paragraph 37 hereof. Provided further that the Board may offset against any money distributable to any registered producer the amount of any contribution or levy due by him to the Board under paragraph 33 (1) and (2).

(2) The Board may if they so determine pay on account to any registered producer a portion of the amount which the Board estimate that he will receive for the sale of milk to the Board.

PART VI

Producer's Liability to pay Contributions and Levies

33.—(1) Contributions—A registered producer shall pay to the Board a contribution of such amount per gallon of the milk sold by him to or through the agency of the Board as the Board may, with the approval of the Ministry, from time to time determine to be necessary for the operation of this Scheme or otherwise for the purposes of the Acts.

(2) Levies—The Board may, subject to the provisions of Section 7(3) of the Principal Act impose levies on registered producers or any class thereof—

- (a) for the purpose of securing that the provisions of the Scheme operate equitably as between all classes of producers; or
- (b) for the purpose of covering any loss which the Board have experienced in trading under the Scheme.

PART VII

General Power to regulate Marketing

34. The Board may—

(1) determine from time to time the manner in which milk may be sold packed and delivered by any registered

producer; the price at, below or above which, the terms on which and the persons to, or through the agency of whom milk or any description or quantity thereof may be sold by a registered producer;

(2) buy milk;

(3) produce from milk any of the following commodities—cream, butter, buttermilk, cultured milk, condensed whole or separated milk, cheese, whey preparations, milk powder, ice cream and any other commodities of which milk is a main ingredient;

(4) sell, grade, pack, store, adapt for sale, insure, advertise and transport milk or commodities produced therefrom by the Board;

(5) buy and sell or let for hire to registered producers anything required for the production, adaptation for sale, or sale of milk;

(6) co-operate with any other person in doing anything which the Board are empowered to do by virtue of subparagraphs (2) (3) (4) and (5) of this paragraph;

(7) encourage promote or conduct agricultural co-operation among producers of milk or research and education in connection with the production and marketing of milk and milk products;

(8) lend or grant money to any other Board administering a scheme under the Principal Act for any purpose which, in the opinion of the Board is calculated to operate to the benefit of registered producers under this Scheme;

(9) make payments to any persons in respect of the performance by them of such functions in relation to milk and milk products as, in the opinion of the Board are calculated to assist in the efficient distribution or use of milk or any commodity produced from milk and enter into agreements with any such persons as to the terms and conditions on which such payments shall be made;

(10) do all such other things as are incidental to or consequential on the powers conferred on the Board by the provisions of this Scheme or the Acts.

PART VIII

Prescribed Contracts

35. Without prejudice to the generality of the powers conferred on the Board by the provisions of this Scheme, the Board may from time to time prescribe all the terms on which and the form in which contracts for the sale of milk by registered producers to or through the agency of the Board and for the sale of milk by the Board to buyers shall be made, and without prejudice to the power of the Board to prescribe any other terms the Board may prescribe all or any of the matters following as terms of any such contracts:—

(1) such terms as the Board may deem necessary for securing that the buyer shall not use or re-sell the milk for any purposes other than those specified in the contract, except upon the terms that the buyer shall pay such price as may be determined as the price for milk to be used for such other purposes;

(2) that the contract shall provide that the buyer shall not sell the milk, or permit it to be sold, by retail, except upon such terms as the Board may determine and at the price per gallon (and proportionately for any other quantity) exceeding the purchase price per gallon by not less than such specified amount as may for the time being be prescribed by the Board;

(3) the prices at, below or above which, or the method of arriving at the prices at which milk may be sold, and such prices

(a) may vary in accordance with the purposes for which the buyer agrees to use or re-sell milk;

(b) may vary in accordance with the description, quality, or condition of the milk;

(4) in the case of a contract between the Board and a registered producer

(a) that the registered producer shall give to the Board a warranty as to the quality and condition of the milk;

(b) that the registered producer shall indemnify the Board against all loss arising through delivery by the registered producer of milk not in accordance with that warranty;

(c) that the Board or the person to whom the Board may have sold the milk shall have the right to reject the milk if it is unsuitable for sale for human consumption as liquid milk;

(d) that the Board shall not lose their right to reject milk by reason of their having purported to sell the same.

(5) in the case of a contract between the Board and the buyer that there shall be provision for the cancellation of such contract if the Board are satisfied that the buyer has acted unreasonably in the rejection of milk.

PART IX

Consultation with Buyers' Representatives

36.—(1) The Board shall set up a committee (hereinafter called "the Joint Committee") which shall consist of members appointed by the Board and members appointed by the body established by buyers of milk and commonly known as the Northern Ireland Milk Alliance; provided that, if in the opinion of the Board that body has ceased to exist or has ceased to represent the views of buyers of milk, such last mentioned members shall be appointed by such other body or bodies as appear to the Board, after consultation with the Minister, to represent for the time being the views of buyers of milk otherwise than by retail.

(2) The Board shall consult the Joint Committee as to the description of milk which shall be sold by the Board, as to the delivery of milk sold by the Board and as to the terms on which milk shall be sold by the Board including the prices thereof, the amounts of any allowances to be made to the buyers, the classes of persons and premises to whom or in respect of which such allowances are to be made and the conditions on which such allowances are to be made.

(3) The Board shall consult the Joint Committee before prescribing any of the following matters: the description of milk and the prices at, below or above which, and the terms and the form of contract on which the Board may sell milk under this Scheme.

(4) The Board shall consult the Joint Committee on the allocation of supplies of milk to the different categories of buyers (including the Board) engaged in the distribution of milk or the manufacture of milk products therefrom, in accordance with a marketing policy agreed by the Joint Committee.

(5) If the Joint Committee are unable to agree on any matter on which the Board are required to consult them as aforesaid, then the Joint Committee shall consult a third person thereon, such person being appointed by the Joint Committee in agreement or failing agreement nominated by the Minister. All questions to be decided by the Committee shall be decided by resolution upon which the members appointed by the Board and the members appointed by the Northern Ireland Milk Alliance or other body or bodies aforesaid shall each collectively have one vote. The Committee shall not be taken to have agreed unless both such votes shall have been cast in the same direction.

PART X

Haulage of Milk

37.—(1) Where milk is not delivered by a registered producer to the Board or to such person as may be authorised by the Board to receive it, it shall be collected only by or through the agency of the Board and the Board may from time to time determine the charges to be made to each registered producer for such collection.

(2) The rate charged by the Board to each registered producer for collection of milk shall be known as the "Standard Transport Charge".

(3) The point from which the milk offered for sale by any registered producer will be collected shall be determined by the Board and that point shall be the point nearest to the farm or premises from which collection is not unreasonably difficult and in such case the Standard Transport Charge shall be the appropriate rate from that point to the point of delivery of the milk.

(4) The Board may acquire and operate road transport vehicles for the collection of milk from registered producers and for the delivery of milk by the Board or of products made by the Board from milk and for the carriage of anything that the Board may legally carry.

(5) The Board may enter into contracts with other parties for the collection of milk from registered producers or for the carriage of milk owned by them.

(6) The Board shall set up a committee to be known as the Joint Haulage Committee which shall consist of members appointed by the Board, members of the Northern Ireland Milk Alliance or other body or bodies as aforesaid and members of milk haulage associations.

(7) The Board shall consult the Joint Haulage Committee in any matter concerning the conditions to be incorporated in contracts for the collection of milk from registered producers or for the carriage of milk owned by the Board.

PART XI

Consultation on Milk Products

38.—(1) The Board shall set up a Committee on milk products to provide for consultation between parties interested in the marketing of milk products of such categories as are produced from milk by the Board. The Committee shall be known as the Consultative Committee on Milk Products.

(2) The Committee shall be composed of members representing the Board, the Northern Ireland Milk Alliance, the Belfast Wholesale Butter Merchants' Association and any other persons or bodies which appear to the Board, after consultation with the Minister, to represent the views of retailers of milk products as aforesaid.

(3) The Board may refer to the Committee any question concerning commodities produced from milk by the Board and shall consider the recommendations of the Committee but shall not be obliged to act upon such recommendations.

PART XII

Producer Retailers

39.—(1) The Board may from time to time prescribe that pending a further resolution of the Board no registered producer shall sell milk by retail or by semi-retail except under and in accordance with the terms of an authorisation (hereinafter referred to as a "retail authorisation") issued by the Board authorising him to sell milk by retail or by semi-retail or both by retail and by semi-retail and if the Board shall so prescribe the provisions of the next succeeding sub-paragraph shall have effect.

- (2) Every such authorisation—
- (a) shall state the period of validity thereof;
 - (b) may be revoked by the Board upon breach of any of its conditions on the part of the holder thereof;
 - (c) may contain such conditions (applicable to such classes of sales as may be stated in relation to each condition) as the Board think fit in respect of:—
 - (i) the price at, below or above which, and the terms upon which, milk may be sold;
 - (ii) the description of milk which may be sold;
 - (iii) the manner in which milk of any description or quantity thereof to be so sold is to be graded by or on behalf of the holder;
 - (iv) the class or classes of persons to whom milk may be sold by semi-retail;

- (v) the nature of the books and records relating to milk to be kept by the holder and the production of such books and records to any person duly authorised under paragraph 42 of this Scheme to inspect his premises.

(3) If any registered producer sells milk in contravention of the conditions of his retail authorisation the Board without prejudice to any other penalty they are empowered to impose by virtue of paragraph 41 may revoke or suspend the said retail authorisation.

(4) The Board may refuse to issue a retail authorisation to any registered producer applying therefor if the authorisation previously held by the registered producer had previously been revoked or if the applicant has committed a breach of the conditions of any retail authorisation previously held by him or if he owes a debt to the Board.

(5) Producer Retailers shall be exempt from the operation of the provisions of paragraphs 24, 33 (1) and (2)(b) and 37(1). Provided however that the foregoing exemption shall not apply in respect of any quantity of milk produced by a producer retailer which is sold by him otherwise than by retail or semi-retail.

PART XIII

Quality Premiums

40. The Board may pay to each registered producer who holds a Grade A licence under the Milk Act (Northern Ireland) 1950 a premium of such amount on such conditions and in such manner as the Board may from time to time determine in respect of Grade A milk produced and sold by him.

PART XIV

Penalties

41. If any registered producer sells any milk in contravention of the provisions of this Scheme or of any retail authorisation issued thereunder then the Board shall by resolution impose on and shall recover from him such monetary penalty (not exceeding the sum of fifty pounds plus half the price for which the milk in question was sold) as they think just.

PART XV

Miscellaneous

42. Any person authorised in writing by the Board may, for the purpose of securing compliance with this Scheme, enter and inspect at any reasonable time, and on production of his authority, any part of the land or premises occupied by a registered producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing milk.

A registered producer shall permit such entry and inspection as aforesaid.

43. The Board may whenever they consider it necessary for the operation of this Scheme so to do, serve on any registered producer a demand in writing requiring him to furnish to the Board such estimates, returns and other information relating to milk produced by him as may, with the approval of the Ministry, be specified in the demand.

44. Part X of the Companies Act (Northern Ireland), 1932, (which relates to the winding up of unregistered companies) shall apply in relation to the Board, subject to the modifications set out in paragraphs 4, 5, 6, 7 and 8 of the Second Schedule to the Principal Act.

45.—(1) Any producer who is aggrieved by any act or omission of the Board may refer the matter to the arbitration of a single arbitrator to be agreed upon between such producer and the Board or, in default of agreement, to be nominated by the Minister, and the arbitrator may make such order in the matter as he thinks just.

(2) An arbitrator agreed upon or nominated as aforesaid shall have power to award costs, and the expenses of the arbitration shall be defrayed as the arbitrator may direct. The award of the arbitrator may be entered as a judgment under and subject to the provisions of the Arbitration Act (Northern Ireland) 1937.

46. Any requirement of this Scheme that a document shall be sent to or served on a person by the Board or the Ministry shall be deemed to have been complied with if within the period (if any) limited for the sending or service of the document the document is despatched to such person by post, properly addressed and with the postage prepaid.

Milk

THE MILK MARKETING SCHEME (NORTHERN IRELAND) (AMENDMENT) ORDER, 1955, DATED 25TH DAY OF OCTOBER, 1955, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER SECTION 1(4) OF THE AGRICULTURAL MARKETING ACT (NORTHERN IRELAND), 1933. (23 AND 24 GEO. 5, CH. 22).

1955. No. 166

[C]

The Ministry of Agriculture for Northern Ireland, after such consultation as is required and in exercise of the powers conferred by sub-section (4) of Section 1 of the Agricultural Marketing Act (Northern Ireland) 1933, hereby makes the following Order:—

1. The Milk Marketing Scheme (Northern Ireland), 1955, as approved by the Milk Marketing Scheme (Northern Ireland) (Approval) Order, 1955(a), shall be amended by the addition of the following words at the end of paragraph 4(1) of the said Scheme:—

(a) S.R. & O. (N.I.) 1955 No. 43.