



Agriculture Act 1993

1993 CHAPTER 37

PART II

POTATO MARKETING

Position of Board post-revocation

37 General

The Board shall not be deemed to be dissolved by reason of the revocation of the Potato Marketing Scheme by section 26(1) above and so much of the Scheme as relates to the winding up of the Board shall (subject to any provision of regulations under section 38(2) below) continue in force notwithstanding the revocation.

38 Position following transfer under section 35

- (1) Subsections (2) to (5) below apply where property, rights and liabilities of the Board are transferred under section 35 above in accordance with an approved scheme.
- (2) The Ministers—
 - (a) shall by regulations make such provision as they think fit for the purpose of giving effect to so much of the approved scheme as relates to the Board in the period after the transfer under that section, and
 - (b) may by regulations make such provision as they think fit—
 - (i) in relation to the constitution of the Board, or
 - (ii) for the purpose of enabling the Board to wind up its affairs.
- (3) Regulations under subsection (2) above may—
 - (a) provide that, notwithstanding section 26(1) above, such provisions of the Potato Marketing Scheme as are specified in the regulations shall continue to have effect, subject to such modifications as may be so specified, or
 - (b) make such new provision as appears to the Ministers to be necessary or expedient.

Status: This is the original version (as it was originally enacted).

- (4) Regulations under subsection (2) above may not confer a power to raise compulsory levies.
- (5) As soon as the Ministers are satisfied that the Board has carried out any remaining functions, and on being given notice by the Board that it has wound up its affairs, they shall, after consultation with the Board, make an order dissolving it on such day as is specified in the order.
- (6) Regulations under subsection (2) above may be made in anticipation of the application of that subsection.

39 Position in the absence of transfer under section 35

- (1) This section applies where the revocation of the Potato Marketing Scheme by section 26(1) above takes place without property, rights and liabilities of the Board having been transferred under section 35 above.
- (2) The Ministers shall present a petition for the winding up of the Board in accordance with the Potato Marketing Scheme and Schedule 2 to the Agricultural Marketing Act 1958.
- (3) If, in the event of the Board being so wound up, any assets of the Board remain after the discharge of its debts and liabilities and the payment of the costs and expenses incurred in the winding up, those assets shall be distributed to the producers who would have been by virtue of paragraph 5 of that Schedule liable to contribute in the winding up, and shall be so distributed in proportion to their respective basic areas.
- (4) For the purposes of subsection (3) above, “basic area”, in relation to a producer, means the area which was his basic area for the purposes of the Potato Marketing Scheme for the last year to have been prescribed a quota year under that scheme.