



Agriculture Act 1993

1993 CHAPTER 37

PART I

MILK MARKETING

Schemes of reorganisation

4 Procedure where scheme not one which ought to be approved.

- (1) This section applies where, on an application by a milk marketing board under section 2 above for approval of a scheme of reorganisation, the authority to which the application is made is satisfied as mentioned in subsection (2)(a) of section 3 above, but is not satisfied as mentioned in subsection (3)(a) of that section.
- (2) Where the authority is satisfied that the scheme is not capable of being modified so as to bring it within section 3(3)(a) above, it shall refuse the application, but, before finally concluding that the application should be refused under this subsection, it shall—
 - (a) give the board notice of the conclusions it proposes to reach about the scheme and of the reasons for them,
 - (b) specify in the notice under paragraph (a) above a day, at least 28 days after the date of the notice, on or before which the board may make written representations to the authority about those conclusions, and
 - (c) take into consideration any representations made to it under paragraph (b) above or in response to an invitation by it to the board to make oral representations about those conclusions.
- (3) Where the authority is satisfied that the scheme is capable of being modified so as to bring it within section 3(3)(a) above, it shall give the board notice of—
 - (a) the modifications which it considers would bring it within that provision,
 - (b) the reasons for them, and
 - (c) a day, at least 28 days after the date of the notice, on or before which the board may respond to the proposed modifications.

*Changes to legislation: There are currently no known outstanding effects
for the Agriculture Act 1993, Section 4. (See end of Document for details)*

- (4) If, before the end of the period for responding to the proposed modifications, the board gives the authority notice of its agreement to them, the application shall be treated as relating to the scheme with those modifications.
- (5) If, at the end of the period for responding to the proposed modifications, the board has not—
 - (a) persuaded the authority that no modifications are required,
 - (b) given the authority notice of its agreement to the proposed modifications, or
 - (c) given the authority notice of proposed alternative modifications,the authority shall refuse the application.
- (6) Subsections (7) and (8) below apply where, before the end of the period for responding to the proposed modifications, the board gives the authority notice of proposed alternative modifications.
- (7) If the authority is satisfied that the proposed alternative modifications would bring the scheme within section 3(3)(a) above, it shall treat the application as relating to the scheme with those modifications.
- (8) If the authority is not so satisfied, it shall refuse the application, but, before finally concluding that the application should be refused under this subsection, it shall—
 - (a) give the board notice of the conclusion it proposes to reach about the proposed alternative modifications and of the reasons for it,
 - (b) specify in the notice under paragraph (a) above a day, at least 28 days after the date of the notice, on or before which the board may make written representations to the authority about that conclusion, and
 - (c) take into consideration any representations made to it under paragraph (b) above or in response to an invitation by it to the board to make oral representations about that conclusion.
- (9) The authority may by notice to the board extend (or further extend) as it thinks fit—
 - (a) the period under subsection (2)(b) above for making representations,
 - (b) the period under subsection (3)(c) above for responding to proposed modifications, or
 - (c) the period under subsection (8)(b) above for making representations.

Changes to legislation:

There are currently no known outstanding effects for the Agriculture Act 1993, Section 4.