

SCHEDULES

SCHEDULE 2

Section 9.

SUPPLEMENTARY PROVISIONS WITH RESPECT TO DEVELOPMENT SCHEMES.

Procedure for making development schemes

- 1 (1) At least fifty-six days before submitting a development scheme to the Ministers the Commission shall cause to be published in the London Gazette and the Edinburgh Gazette and in such other manner as they think best adapted for informing persons affected, a notice of the Commission's intention to do so—
 - (a) specifying the place where the draft scheme may be inspected and copies thereof obtained, and the price (being a price approved by the Ministers) at which such copies will be supplied ; and
 - (b) stating that the Commission are prepared to receive and consider any objection to the proposed scheme which may be made to the Commission in writing within such period after the date of the publication of the notice, not being less than fifty-six days, as may be specified in the notice.
- (2) If any objection duly made is not withdrawn the Commission shall afford to the objector an opportunity of appearing before and being heard by a person appointed by the Commission for the purpose.
- (3) The Commission shall, before submitting the development scheme, take into consideration any such objection and the report of the person before whom any objector appeared.
- 2 (1) The Commission shall not submit to the Ministers a development scheme which differs from the draft scheme available for inspection under paragraph 1 above except as respects the correction of minor defects or errors.
- (2) The foregoing sub-paragraph shall be without prejudice to the preparation by the Commission of a further draft scheme, and a notice under paragraph 1 above as respects such a scheme—
 - (a) shall give particulars of the respects in which it differs from the previous draft scheme, and
 - (b) shall state that objections to the proposed scheme are restricted to objections to or arising out of the changes, as compared with the previous scheme.
- 3 When submitting any development scheme to the Ministers, the Commission shall transmit to them any objection thereto which has been duly made to the Commission and has not been withdrawn, and the report of the person before whom any objector appeared.
- 4 (1) After considering any objections and any report so transmitted to them, the Ministers may proceed to make a draft order confirming the scheme and, subject to the following provisions of this paragraph, they may make it with any modification which appears to to them expedient.

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

- (2) Except where the Ministers are satisfied that on any hearing afforded under this Schedule all persons who might reasonably be expected to require an opportunity of making an objection to the modification have had sufficient notice of the possibility of the modification being made, and of objecting to it, the Ministers shall not make the draft order with the modification until they have taken such steps as appear to them appropriate for bringing the modification to the notice of those persons and affording them the opportunity of making objections, and appearing at a hearing, which they would have had if the original scheme had incorporated the modification.
- (3) The draft order confirming any scheme shall set out the scheme.

Confirmation of development scheme by order

- 5 (1) If the Ministers are satisfied that the bringing into force of a development scheme submitted to them will conduce to the better organisation, development or regulation of any section of the livestock industry or the livestock products industry, and that it is expedient that the development scheme should have effect, then, subject to the following provisions of this paragraph, they may if they think fit confirm the development scheme by order made by statutory instrument.
- (2) The Ministers shall not make an order confirming a development scheme if it appears to them that the effect of the development scheme will or may be such as to conflict with any objectives adopted by any Ministers in making any order under Part I of the Agriculture Act 1957 (guaranteed prices and assured markets).
- (3) The Ministers shall not make an order confirming a development scheme unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

Coming into force of development scheme

- 6 A development scheme shall come into force on such date as may be specified in the order confirming the development scheme, being a date after the latest date on which either House of Parliament resolves that the draft order be approved.

Proceedings questioning validity of a development scheme

- 7 (1) Within six months from the making of an order confirming a development scheme any person may apply to the High Court on the ground that any provision contained in the development scheme is invalid as not being authorised by section 9 of this Act, or that there has been a failure to comply with any requirement of this Act as to the procedure for the making of a development scheme or the order confirming it, and on the application the High Court—
- (a) may by interim order suspend the operation of the development scheme (either generally or in so far as it affects the applicant) until the final determination of the proceedings,
- (b) if satisfied that on the grounds given in the application any provision contained in the development scheme is invalid, or that on those grounds the interests of the applicant have been substantially prejudiced by a failure to comply with any requirements as to procedure, may quash the development scheme or any provision contained in it either generally or in so far as it affects the applicant or any class of persons which includes the applicant, and

- (c) may, in quashing the development scheme or any provision contained in it, make such provision for consequential and incidental matters as appears to the court to be necessary or expedient, including provision as to the degree to which the decision is to affect things already done under the development scheme,

and subject to the foregoing provisions of this paragraph the validity of a development scheme shall not be questioned in any legal proceedings whatsoever.

- (2) In relation to Scotland, any reference in this paragraph to the High Court shall be construed as a reference to the Court of Session.

Ministers' powers to revoke or direct variation of a development scheme

8

If the Ministers are satisfied—

- (a) that a development scheme is not serving the purposes for which it is made, or
- (b) that the continued operation of a development scheme would be contrary to the public interest, or
- (c) that a development scheme is unduly prejudicial to the interests of any class of persons affected by the scheme,

the Ministers may by order made by statutory instrument, of which a draft has been laid before and approved by resolution of each House of Parliament, revoke the development scheme or, in a case under paragraph (c) above, direct the Commission to submit to them a further development scheme containing such provisions as appear to the Commission appropriate for mitigating the effect of the earlier development scheme on the interests of the class of persons in question.

An order under this paragraph may contain such supplemental and incidental provisions, including transitional provisions, as appear to the Ministers to be expedient.