
STATUTORY INSTRUMENTS

1993 No. 2665

The Agriculture (Northern Ireland) Order 1993

PART II

MILK MARKETING

Position of the Board post-revocation

General

16. The Board shall not be deemed to be dissolved by reason of the revocation of the 1989 Scheme by Article 4(1) and so much of that scheme as relates to the winding up of the Board shall (subject to any provision of regulations under Article 17(2)) continue in force notwithstanding the revocation.

Position following reorganisation

17.—(1) Paragraphs (2) to (5) apply where property, rights or liabilities of the Board are transferred under Article 14 under an approved scheme.

(2) The Department—

- (a) shall by regulations make such provision as it thinks 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 Article; and
- (b) may by regulations make such provision as it thinks 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 paragraph (2) may—

- (a) provide that, notwithstanding Article 4(1), such provisions of the 1989 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 Department to be necessary or expedient.

(4) Regulations under paragraph (2) may not confer a power to raise compulsory levies.

(5) As soon as the Department is 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, the Department shall, after consultation with the Board, make an order dissolving the Board on such date as is specified in the order.

(6) Regulations under paragraph (2) may be made in anticipation of the application of that paragraph.

Position in the absence of reorganisation

18.—(1) This Article applies where the revocation of the 1989 Scheme by Article 4(1) takes place without property, rights or liabilities of the Board having been transferred under Article 14.

(2) The Department shall present a petition for the winding up of the Board in accordance with the 1989 Scheme and Schedule 2 to the Agricultural Marketing (Northern Ireland) Order 1982⁽¹⁾.

(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 6(5) of Schedule 2 to the Agricultural Marketing (Northern Ireland) Order 1982 liable to contribute in the winding up, and shall be so distributed in proportion to their respective liabilities in that behalf.

(1) 1982 NI 12