

1988 No. 40

EUROPEAN COMMUNITIES

Milk Marketing (Amendment) Regulations
(Northern Ireland) 1988

Made 15th February 1988

Coming into operation 21st March 1988

The Department of Agriculture, being a Department designated by the European Communities (Designation) Order 1972(a) for the purposes of Section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by that section and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Milk Marketing (Amendment) Regulations (Northern Ireland) 1988, and shall come into operation on 21st March 1988.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendments to the Milk Marketing Scheme (Northern Ireland) 1955

3. Paragraph 36 of the Milk Marketing Scheme (Northern Ireland) 1955(d) shall be amended as follows:

- (a) in sub-paragraph (5)(a)(iv) for “subject to sub-paragraphs (7), (8), (10) and (11)” there shall be substituted “subject to sub-paragraphs (7), (7A), (8), (10) and (11)”;
- (b) in sub-paragraph (7) for “Subject to the provisions of sub-paragraph (8)” there shall be substituted “Subject to the provisions of sub-paragraphs (7A) and (8)”;
- (c) in sub-paragraph (7) for the final sentence there shall be substituted:—

“If whole milk is fractionated and only part of the solid constituents is utilised in the production of any of the commodities specified above, the Joint Committee may negotiate different prices according to the uses of each constituent, except that prices in respect of any

(a) S.I. 1972/1811

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) Approved by S.R. & O. (N.I.) 1955 No. 43 (p. 12); the relevant amending regulations are S.R. 1981 No. 119

constituent shall be set at the same level for all uses which qualify that constituent, or any milk product derived therefrom, for sale to the Intervention Board for Agricultural Produce or for the benefit of any Community aid scheme.”;

(d) after sub-paragraph (7) there shall be inserted:—

“(7A) The price of milk to be sold by the Board shall be set at the same level for all buyers who intend to use the milk for the same purpose and, without prejudice to the generality of this sub-paragraph, no price shall be differentiated by reason only that the milk or any milk product derived therefrom is intended for export outside the United Kingdom or for sale to the Intervention Board for Agricultural Produce.”;

(e) in sub-paragraph (8) there shall be deleted the words:—

“The price of milk to be sold by the Board shall be set at the same level for all buyers who intend to use the milk for the same purpose, except that”;

(f) for sub-paragraph (11) there shall be substituted:—

“(11) Notwithstanding the foregoing provisions of this paragraph, the price of milk sold by the Board shall not be set at such a level that the sale of milk by the Board at that price would contravene Article 9 of Council Regulation (EEC) No. 1422/78(a) or Article 6.2 of Commission Regulation (EEC) No. 1565/79(b). In the event of any such contravention or any other failure by the Board to comply with the Community principles, rules or special conditions referred to in Article 10 of Council Regulation (EEC) No. 1422/78, the Board shall make such adjustment in their arrangements for milk sold or to be sold as shall satisfy the Department that the effect of such contravention or failure has been counteracted.”.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 15th February 1988.

(L.S.)

S. R. Armstrong

Assistant Secretary

(a) O.J. No. L171, 28.6.78, p. 14

(b) O.J. No. L188, 26.7.79, p. 29

(This note is not part of the Regulations.)

These regulations amend paragraph 36 of the Milk Marketing Scheme (Northern Ireland) 1955 to further implement the United Kingdom's obligation to supervise compliance with Council Regulation (EEC) No. 1422/78 concerning the granting of certain special rights to milk producer organisations in the United Kingdom, by:—

- (a) requiring that prices negotiated by the Joint Committee appointed by the Milk Marketing Board ("the Board") and the dairy trade, according to the uses of any constituent of whole milk shall be set at the same level for all uses which qualify that constituent, or any milk product derived therefrom, for sale to the Intervention Board for Agricultural Produce or for a Community aid scheme (regulation 3(c));
- (b) prohibiting the differentiation of prices of milk to be sold by the Board by reason only that the milk or any milk product derived therefrom is intended for export outside the United Kingdom or for sale to the Intervention Board (regulation 3(d)); and
- (c) prohibiting the setting of prices of milk sold by the Board at levels which would contravene Article 9 of Council Regulation (EEC) No. 1422/78 or Article 6.2 of Commission Regulation (EEC) No. 1565/79 and requiring that, in the event of a contravention or other failure to comply with the Community provisions referred to in Article 10 of Regulation 1422/78, the Board shall make such adjustment in their arrangements for milk sold or to be sold as shall satisfy the Department of Agriculture that the effect of such contravention or failure has been counteracted (regulation 3(f)).

Copies of Council Regulation No. 1422/78 and Commission Regulation No. 1565/79 are available through HMSO Bookshop, IDB House, 80 Chichester Street, Belfast BT1 4JY.