



# Agriculture Act 1993

## 1993 CHAPTER 37

### PART I

#### MILK MARKETING

##### *Carrying out of approved schemes*

#### **9 Functions of the relevant board**

- (1) The relevant board may do whatever is necessary for, or conducive to, the carrying out of an approved scheme in the period up to and including the vesting day under the scheme.
- (2) In this section, “the relevant board”, in relation to an approved scheme, means the board to which the scheme relates.

#### **10 Functions of the appropriate authority**

- (1) The appropriate authority shall satisfy itself, in relation to an approved scheme—
  - (a) that so much of the scheme as relates to the period prior to the vesting day under the scheme is duly carried out, and
  - (b) that it does not, during that period, become expedient, by virtue of a change of circumstances, that there should be an increase in the provision made by the scheme for meeting liabilities retained by the relevant board after the transfer under section 11 below.
- (2) The appropriate authority may by notice require the relevant board to supply to it such information as may be specified in the notice, being information which the authority considers necessary or desirable for the purpose of enabling it to discharge its functions under subsection (1) above.
- (3) A notice under subsection (2) above shall require the information to be supplied within such period as may be specified in the notice, being not less than 7 days from the date of the notice.

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*Status: This is the original version (as it was originally enacted).*

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- (4) If, at any time before the vesting day under an approved scheme, it appears to the appropriate authority—
- (a) that the relevant board has—
    - (i) failed to supply information required by a notice under subsection (2) above, or
    - (ii) failed in a material respect to carry out the scheme, or
  - (b) that, by virtue of a change of circumstances, it is expedient that there should be such an increase as is mentioned in subsection (1)(b) above,
- it may give the board notice of that fact and of the reasons for it.
- (5) No notice under subsection (4) above may be given by virtue of paragraph (a)(i) of that subsection more than 28 days after the relevant board has purported to comply with the notice under subsection (2) above.
- (6) The appropriate authority shall by notice to the relevant board withdraw a notice under subsection (4) above if it is satisfied—
- (a) that there is no longer any ground for it, and
  - (b) that it continues to be practicable for the scheme to be carried out.
- (7) If the relevant board, in purported compliance with a notice under subsection (2) above, knowingly or recklessly supplies information which is false or misleading in a material respect, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) In this section, “the relevant board”, in relation to an approved scheme, means the board to which the scheme relates.

## **11 Statutory transfer on vesting day**

- (1) On the vesting day under an approved scheme, any transfer under the scheme which—
- (a) is a qualifying transfer, and
  - (b) is a transfer which the scheme provides is to have effect under this section,
- shall have effect by virtue of this Act.
- (2) Subsection (1) above shall not apply if—
- (a) a notice under subsection (4) of section 10 above has been given in respect of the scheme, and
  - (b) the notice has not been withdrawn under subsection (6) of that section.
- (3) For the purposes of subsection (1)(a) above, a transfer is a qualifying transfer if it is—
- (a) a transfer of property, rights or liabilities of—
    - (i) the relevant board, or
    - (ii) a subsidiary of that board,to a body which is a qualifying body, or
  - (b) a transfer of property, rights or liabilities of a subsidiary of the relevant board to that board.
- (4) For the purposes of subsection (3) above, a body is a qualifying body if it is—
- (a) a development council established under the Industrial Organisation and Development Act 1947,

- (b) a society registered under the Industrial and Provident Societies Act 1965 which has not previously traded,
  - (c) a company registered under the Companies Act 1985 which has not previously traded, or
  - (d) a company registered under that Act which was a subsidiary of the relevant board immediately before the day on which this Act is passed.
- (5) In this section, “the relevant board”, in relation to an approved scheme, means the board to which the scheme relates.

## **12 Other provisions**

Schedule 2 to this Act (which makes provision in relation to or in connection with the carrying out of an approved scheme) shall have effect.