

SCHEDULES

FIRST SCHEDULE

Section 2.

AMENDMENT AND REVOCATION OF SCHEMES

- 1 (1) Subject to the provisions of this paragraph, an amendment of a scheme may be submitted to the Minister for his approval by the board.
- (2) Before an amendment of a scheme is submitted to the Minister under this paragraph the amendment shall be published in the prescribed manner to all registered producers and if, within the prescribed period after it has been so published, a poll on the question whether it shall be submitted to the Minister is demanded by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, the amendment shall not be submitted to the Minister unless a poll on that question has been taken and the result thereof shows that the requisite majority of registered producers has voted in favour of its submission.

In this sub-paragraph "prescribed" means prescribed by the scheme.

- (3) No scheme shall be amended so as to be applicable to any area to which it would not have been applicable without amendment.
- (4) Where an amendment of a scheme is duly submitted to the Minister in accordance with the foregoing provisions of this paragraph, the following provisions of section two of this Act, that is to say, subsections (1), (2), (3), (4), (6), (7), (11), (13) and (14), shall apply in relation to the amendment as if it were a scheme, but subject to the following modifications, that is to say:—
- (a) the reference in the said subsection (4) to the following provisions of the said section two shall be construed as including a reference to the provisions of sub-paragraph (3) of this paragraph;
- (b) for the said subsection (6) there shall, be substituted the following subsection:—
- “(6) Before making any modifications, the Minister shall give notice of the proposed modifications to the board and unless, within four weeks after notice has been so given or within such longer time as the Minister may allow, the board notify the Minister that they assent to the modifications, the Minister shall take no further action in the matter”;
- (c) in the said subsection (7) for the words "the more efficient production and marketing of the regulated product" there shall be substituted the words "the more efficient operation of the scheme" and the words "subject to subsection (9) of this section" shall be omitted; and
- (d) except in a case where the Minister is required by the said subsection (3) as applied by this sub-paragraph to direct a public inquiry to be held, the provisions of the said subsection (7) requiring a draft to be laid before Parliament and approval of the draft by Parliament before the Minister approves a scheme, and the provisions of the said subsection (11) requiring

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

that the date specified in the order shall be after the latest date on which either House of Parliament resolves that the scheme shall be approved, shall not apply.

2 If a demand for a poll on the question whether a scheme shall be revoked is made to the board in the prescribed manner and by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, the board shall forthwith cause a poll of the registered producers to be taken on that question, and if the result of the poll shows that there have voted in favour of the revocation of the scheme—

- (a) more than half the total number of registered producers voting on the poll, and
- (b) such number of registered producers as are together capable of producing more than half the quantity of the regulated product which all the registered producers voting on the poll are together capable of producing,

the board shall, as soon as practicable after the declaration of the result of the poll, communicate the result thereof to the Minister, and the Minister shall thereupon by order revoke the scheme :

Provided that, without the consent of the board, no poll shall be taken under this paragraph—

- (i) in the case of a scheme other than a substitutional scheme, within two years after the date of the declaration of the result of the initial poll; or
- (ii) in the case of any scheme, within the prescribed period after the date of the declaration of the result of any previous poll taken under this paragraph.

In this paragraph " prescribed " means prescribed by the scheme.

3 A scheme may be revoked by a subsequent scheme, and where a scheme is so revoked the subsequent scheme may provide for the transfer to the new board of the whole or any part of the property, rights and liabilities of the existing board and for the continuation by or against the new board of any legal proceedings pending by or against the existing

In this paragraph " new board " means the board administering the subsequent scheme, and " existing board " means the board administering the scheme revoked.

4 The Minister shall by order revoke a scheme if an order is made for the winding up of the board.

5 Without prejudice to any other powers conferred on him by this Act, the Minister, if he is of opinion that any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of the regulated product, or is contrary to the interests of a substantial number of persons affected by the scheme and is not in the public interest, may lay before Parliament a draft of an order revoking the scheme, and if each House of Parliament resolves that the order shall be approved, the Minister shall make the order to take effect on such date as may be specified in the order, being a date after the latest date on which either House of Parliament resolves that the order shall be

In considering for the purposes of this paragraph whether any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of any product, regard shall be had to the interests of persons who purchase the product, or commodities produced wholly or partly therefrom, for their own consumption or use and not to the interests of persons who purchase the product, or such

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

commodities as aforesaid, for the purpose of any trade or industry carried on by them.

- 6 Where a scheme is revoked, or is so amended as to revoke any provision thereof, subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) shall apply as if the revocation of the scheme or of that provision, as the case may be, were a repeal of an enactment by another Act.