
Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding effects for the
Agricultural Marketing Act 1958, SECOND SCHEDULE. (See end of Document for details)*

SECOND SCHEDULE

Section 3.

PROVISIONS AS TO THE INCORPORATION, COMPOSITION AND WINDING UP
OF BOARDS AND AS TO THE COMPOSITION OF EXECUTIVE COMMITTEES

- 1 A board shall be constituted by the scheme as a body corporate with a common seal^{F1}

Textual Amendments

- F1** Words repealed (E.W.) (S.) by Charities Act 1960 (c. 58), **Sch. 7 Pt. II** and (N.I.) by Mortmain (Repeals) Act (Northern Ireland) 1960 (c. 20), **s. 1(2)**

- 2 (1) The composition of a board shall be such as may be prescribed by the scheme, but the scheme shall be so framed as to secure that—
- (a) the total number of members shall not be less than eight nor, unless for special reasons the Minister thinks fit to allow a greater number, more than twenty-four;
 - (b) of the members, not less than two and (provided that there are at least two) not more than one-fifth of the total number of members shall be persons appointed by the Minister as being persons who in his opinion are qualified for appointment as having had experience and shown capacity in commerce, finance, administration, public affairs or the organisation of workers, or as being specially conversant with the interests of consumers of the regulated product;
 - (c) subject to the provisions of the scheme as to the filling of casual vacancies in the board, the remaining members shall,—
 - (i) during such period, not being longer than twelve months from the day on which the scheme comes into force, as may be specified in the scheme, be persons named in the scheme;
 - (ii) after the expiration of the said period, be persons elected in accordance with the scheme, either by registered producers or by a body or bodies elected by such producers in accordance with the scheme;
 - (d) the executive committee of the board referred to in section three of this Act shall consist of not more than seven members of the board and shall include at least one of the members of the board who are appointed by the Minister.
- (2) Notwithstanding anything in this paragraph, provision may be made by a scheme for the board acting notwithstanding any vacancy in the membership thereof.
- (3) In this paragraph “consumers of the regulated product” means persons who purchased the product, or commodities produced wholly or partly therefrom, for their own consumption or use and not persons who purchase the product, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.
- 3 A scheme shall provide for notification to the Minister of the address of the office of the board at which communications and notices will at all times be received, and of any change in that address, and the Minister shall cause a register to be kept showing the address of every board, and the register shall be open for inspection by the public at such times and at such place as he may direct.

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- [^{F24} (1) A scheme shall provide for the winding up of the board, and for that purpose may apply Part V of the Insolvency Act 1986 (winding up of unregistered companies), subject to the following modifications.
- (2) For the purposes of sections 221, 222 and 224 of the Act of 1986, the principal place of business of the board is deemed to be the office of the board the address of which is registered by the Minister under paragraph 3 above.
- (3) Section 223 does not apply.
- (4) Section 224 applies as if the words “or any member of it as such” were omitted.
- (5) A petition for winding up the board may be presented by the Minister as well as by any person authorised under Part IV of the Insolvency Act 1986 to present a petition for winding up a company]

Textual Amendments

F2 Sch. 2 para. 4 substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), [Sch. 14](#)

- 5 In the event of the winding up of a board, every person who, at any time during the relevant period, was a registered producer shall be liable to contribute to the payment of the debts and liabilities of the board and to the payment of the costs and expenses of the winding up an amount assessed in such manner and subject to such limitations as may be provided by the scheme, but save as aforesaid no person shall be liable to contribute to the assets of the board in the winding up by reason only of his being or having been a registered producer or a member of the board.
- In this paragraph “the relevant period” means—
- (a) in a case where, before the commencement of the winding up, the scheme has been revoked, the year immediately before the revocation of the scheme;
- (b) in any other case, the year immediately before the commencement of the winding up.
- 6 (1) Where a scheme is revoked by a subsequent scheme, the subsequent scheme may provide for the dissolution, without winding up, of the board administering the scheme revoked.
- (2) The board administering a scheme shall not be deemed to be dissolved by reason only that the scheme has been revoked, and, except in a case where the board are dissolved under the foregoing sub-paragraph without winding up, so much of the scheme as relates to the winding up of the board shall continue in force notwithstanding the revocation.

Modifications etc. (not altering text)

C1 Sch. 2 para. 6(2) extended by [Hops Marketing Act 1982 \(c. 5, SIF 2:10\)](#), s. 1(3)

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Changes to legislation:

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SECOND SCHEDULE.