
 S T A T U T O R Y I N S T R U M E N T S

1979 No. 319 (S. 30)

AGRICULTURE

**The Scottish Milk Marketing Schemes (Amendment)
Regulations 1979**

Made - - - - 7th March 1979

Laid before Parliament 27th March 1979

Coming into Operation 18th April 1979

In exercise of the powers conferred upon me by section 2(2) of the European Communities Act 1972(a) being a Minister designated (b) for the purposes of the said section 2(2) in relation to the common agricultural policy of the European Economic Community, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Scottish Milk Marketing Schemes (Amendment) Regulations 1979, and shall come into operation on 18th April 1979.

Amendment of the Scottish Milk Marketing Schemes

2.—(1) The Scottish Milk Marketing Scheme 1933(c), as amended (d), shall be further amended by substituting for section 23 thereof the following section:

“23. Negotiation with Buyers’ Representatives

(1) A Committee (hereinafter called “the Joint Committee”) shall be established which shall consist of members appointed by the Board and members appointed by bodies for the time being representative of buyers of raw milk in bulk from the Board including the Scottish Milk Trade Federation, the Scottish Co-operative Milk Trade Association and the Scottish Association of Milk Product Manufacturers, and agreed by such bodies to be so representative. Failing agreement, the last mentioned members shall be appointed by the body or bodies which appear to the Minister to be representative of such buyers.

(2) The Joint Committee may appoint sub-committees consisting of one or more of their members and such other person or persons as the Joint Committee may appoint. Any such sub-committee may be empowered by the Joint Committee to consider any matters referred to it by the Joint Committee.

(a) 1972 c. 68.

(b) S.I. 1972/1811.

(c) S. R. & O. 1933/479.

(d) S. R. & O. 1934/645, 1437; 1935/691, 1246; 1937/624; S.I. 1950/2057; 1956/650; 1965/644, 2193; 1968/391; 1978/583.

(3) The Joint Committee may appoint a Chairman who need not be one of their members.

(4) All questions to be decided by the Joint Committee shall be decided by a vote taken on a resolution when the members appointed by the Board and the members representing buyers of milk appointed as in sub-section (1) of this section shall each collectively have one vote. The Joint Committee shall not be taken to have agreed unless both such votes have been cast to the same effect.

(5) The parties represented in the Joint Committee shall negotiate the following matters:—

- (a) the description of milk to be sold by the Board;
- (b) the delivery of milk to be sold by the Board;
- (c) the terms on which milk is to be sold by the Board, including the prices thereof;
- (d) the amounts of any allowances to be made to buyers;
- (e) the classes of persons and premises to whom or in respect of which such allowances are to be made;
- (f) the conditions on which such allowances are to be made;
- (g) the amounts of any premiums to be paid by buyers and the conditions on which such premiums are to be paid;
- (h) the arrangements for making milk available to buyers including the Board's processing and manufacturing enterprises, proposals for which may be submitted to the Joint Committee by a sub-committee set up under the terms of sub-section (2) of this section.

(6) The Joint Committee may also discuss any other matters agreed by the Joint Committee to be of mutual interest and arising out of the Community obligations of the United Kingdom.

(7) If the Joint Committee are unable to agree upon any matter which is referred to in sub-section (5) of this section, the matter may be referred by either party to an Arbitration Panel thereon. Such Panel shall consist of four members, namely a Chairman and three other members (though only three of the four members shall sit on any particular reference) appointed by the Joint Committee and shall include persons who, in the opinion of the Joint Committee or, failing agreement by the Joint Committee, in the opinion of the Minister, are qualified for appointment as having had experience and shown capacity in commerce or in law or in accountancy or economics. If the Joint Committee fail to agree upon any or all of these members, the appointment or appointments shall be made by the Minister. The procedure of a reference to the Arbitration Panel may be varied by agreement within the Joint Committee so that any matter of disagreement may be referred to a single arbiter to be appointed from time to time by the Joint Committee. A decision of such Panel or of such single arbiter shall be binding on the Joint Committee unless the Joint Committee agree not to accept it. The procedure may also be adopted if the Joint Committee so agrees in relation to any matter raised under sub-section (6) of this section.

(8) The Joint Committee or, failing agreement, either of the parties represented in the Joint Committee may invite the Chairman or any other member of the Arbitration Panel to attend all or any of their meetings. If the two parties represented in the Joint Committee cannot agree on which member of the Arbitration Panel should be invited, then the Chairman of the Arbitration Panel shall decide. The Committee may also consult the Chairman or any other member of the Arbitration Panel or seek his advice in relation to any matter which is referred to in sub-section (5) of this section or raised under sub-section (6) of this section, provided that, if the Chairman or any other member of the Arbitration Panel attends any meeting of the Joint Committee during discussion of a particular issue or is consulted by the Joint Committee thereon, he shall not sit on the Arbitration Panel if that issue is referred to the Arbitration Panel.”

(2) The Aberdeen and District Milk Marketing Scheme 1933(a), as amended (b), shall be further amended by substituting for section 24 thereof the following section:—

“24. Negotiation with Buyers’ Representatives

(1) A Committee (hereinafter called “the Joint Committee”) shall be established which shall consist of members appointed by the Board and members appointed by bodies for the time being representative of buyers of raw milk in bulk from the Board, and agreed by such bodies to be so representative. Failing agreement, the last mentioned members shall be appointed by the body or bodies which appear to the Minister to be representative of such buyers.

(2) The Joint Committee may appoint sub-committees consisting of one or more of their members and such person or persons as the Joint Committee may appoint. Any such sub-committee may be empowered by the Joint Committee to consider any matters referred to it by the Joint Committee.

(3) The Joint Committee may appoint a Chairman who need not be one of their members.

(4) All questions to be decided by the Joint Committee shall be decided by a vote taken on a resolution when the members appointed by the Board and the members representing buyers of milk appointed as in sub-section (1) of this section shall each collectively have one vote. The Joint Committee shall not be taken to have agreed unless both such votes have been cast to the same effect.

(5) The parties represented in the Joint Committee shall negotiate the following matters:—

- (a) the description of milk to be sold by the Board;
- (b) the delivery of milk to be sold by the Board;
- (c) the terms on which milk is to be sold by the Board, including the prices thereof;
- (d) the amounts of any allowances to be made to buyers;
- (e) the classes of persons and premises to whom or in respect of which such allowances are to be made;

(a) S. R. & O. 1934/309.

(b) S. R. & O. 1939/600 1940/129; S.I. 1950/2059; 1957/1843; 1964/672; 1967/1346; 1978/583.

- (f) the conditions on which such allowances are to be made;
- (g) the amounts of any premiums to be paid by buyers and the conditions on which such premiums are to be paid;
- (h) the arrangements for making milk available to buyers including the Board's processing and manufacturing enterprises, proposals for which may be submitted to the Joint Committee by a sub-committee set up under the terms of sub-section (2) of this section.

(6) The Joint Committee may also discuss any other matters agreed by the Joint Committee to be of mutual interest and arising out of the Community obligations of the United Kingdom.

(7) If the Joint Committee are unable to agree upon any matter which is referred to in sub-section (5) of this section, the matter may be referred by either party to an Arbitration Panel thereon. Such Panel shall consist of four members, namely a Chairman and three other members (though only three of the four members shall sit on any particular reference) appointed by the Joint Committee and shall include persons who, in the opinion of the Joint Committee or, failing agreement by the Joint Committee, in the opinion of the Minister, are qualified for appointment as having had experience and shown capacity in commerce or in law or in accountancy or economics. If the Joint Committee fail to agree upon any or all of these members, the appointment or appointments shall be made by the Minister. The procedure of a reference to the Arbitration Panel may be varied by agreement within the Joint Committee so that any matter of disagreement may be referred to a single arbiter to be appointed from time to time by the Joint Committee. A decision of such Panel or of such single arbiter shall be binding on the Joint Committee unless the Joint Committee agree not to accept it. The procedure may also be adopted if the Joint Committee so agrees in relation to any matter raised under sub-section (6) of this section.

(8) The Joint Committee or, failing agreement, either of the parties represented in the Joint Committee may invite the Chairman or any other member of the Arbitration Panel to attend all or any of their meetings. If the two parties represented in the Joint Committee cannot agree on which member of the Arbitration Panel should be invited, then the Chairman of the Arbitration Panel shall decide. The Committee may also consult the Chairman or any other member of the Arbitration Panel or seek his advice in relation to any matter which is referred to in sub-section (5) of this section or raised under sub-section (6) of this section, provided that, if the Chairman or any other member of the Arbitration Panel attends any meeting of the Joint Committee during discussion of a particular issue or is consulted by the Joint Committee thereon, he shall not sit on the Arbitration Panel if that issue is referred to the Arbitration Panel."

(3) The North of Scotland Milk Marketing Scheme 1934(a), as amended (b), shall be further amended—

- (a) by deleting the title of section 23 and substituting therefor "Joint Committee of Board and Haulage Contractors";
- (b) in section 23—

(a) S. R. & O. 1934/703.

(b) S.I. 1950/2058; 1957/2025; 1961/549; 1978/583.

by omitting therefrom the words "19 and", "distributors of milk, manufacturers of milk products" and "any of"; and by substituting therein for the words "joint committees" where first occurring the words "a joint committee" and for the words "such joint committees" the words "the joint committee";

(c) by inserting as section 23A the following section:—

"23A. Negotiation with Buyers' Representatives

(1) A Committee (hereinafter called "the Joint Committee") shall be established which shall consist of members appointed by the Board and members appointed by bodies for the time being representative of buyers of raw milk in bulk from the Board, and agreed by such bodies to be so representative. Failing agreement, the last mentioned members shall be appointed by the body or bodies which appear to the Minister to be representative of such buyers.

(2) The Joint Committee may appoint sub-committees consisting of one or more of their members and such other person or persons as the Joint Committee may appoint. Any such sub-committee may be empowered by the Joint Committee to consider any matters referred to it by the Joint Committee.

(3) The Joint Committee may appoint a Chairman who need not be one of their members.

(4) All questions to be decided by the Joint Committee shall be decided by a vote taken on a resolution when the members appointed by the Board and the members representing buyers of milk appointed as in sub-section (1) of this section shall each collectively have one vote. The Joint Committee shall not be taken to have agreed unless both such votes have been cast to the same effect.

(5) The parties represented in the Joint Committee shall negotiate the following matters:—

- (a) the description of milk to be sold by the Board;
- (b) the delivery of milk to be sold by the Board;
- (c) the terms on which milk is to be sold by the Board, including the prices thereof;
- (d) the amounts of any allowances to be made to buyers;
- (e) the classes of persons and premises to whom or in respect of which such allowances are to be made;
- (f) the conditions on which such allowances are to be made;
- (g) the amounts of any premiums to be paid by buyers and the conditions on which such premiums are to be paid;
- (h) the arrangements for making milk available to buyers including the Board's processing and manufacturing enterprises, proposals for which may be submitted to the Joint Committee by a sub-committee set up under the terms of sub-section (2) of this section.

(6) The Joint Committee may also discuss any other matters agreed by the Joint Committee to be of mutual interest and arising out of the Community obligations of the United Kingdom.

(7) If the Joint Committee are unable to agree upon any matter which is referred to in sub-section (5) of this section, the matter may be referred by either party to an Arbitration Panel thereon. Such Panel shall consist of four members, namely a Chairman and three other members (though only three of the four members shall sit on any particular reference) appointed by the Joint Committee and shall include persons who, in the opinion of the Joint Committee or, failing agreement by the Joint Committee, in the opinion of the Minister, are qualified for appointment as having had experience and shown capacity in commerce or in law or in accountancy or economics. If the Joint Committee fail to agree upon any or all of these members, the appointment or appointments shall be made by the Minister. The procedure of a reference to the Arbitration Panel may be varied by agreement within the Joint Committee so that any matter of disagreement may be referred to a single arbiter to be appointed from time to time by the Joint Committee. A decision of such Panel or of such single arbiter shall be binding on the Joint Committee unless the Joint Committee agree not to accept it. The procedure may also be adopted if the Joint Committee so agrees in relation to any matter raised under sub-section (6) of this section.

(8) The Joint Committee or, failing agreement, either of the parties represented in the Joint Committee may invite the Chairman or any other member of the Arbitration Panel to attend all or any of their meetings. If the two parties represented in the Joint Committee cannot agree on which member of the Arbitration Panel should be invited, then the Chairman of the Arbitration Panel shall decide. The Committee may also consult the Chairman or any other member of the Arbitration Panel or seek his advice in relation to any matter which is referred to in sub-section (5) of this section or raised under sub-section (6) of this section, provided that, if the Chairman or any other member of the Arbitration Panel attends any meeting of the Joint Committee during discussion of a particular issue or is consulted by the Joint Committee thereon, he shall not sit on the Arbitration Panel if that issue is referred to the Arbitration Panel."

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.

7th March 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace Section 23 of the Scottish Milk Marketing Scheme 1933, as amended, and Section 24 of the Aberdeen and District Milk Marketing Scheme 1933, as amended (which provide for consultation by the Scottish Milk Marketing Board and the Aberdeen and District Milk Marketing Board with the respective Joint Committee as to the Board's selling prices and related matters). The Regulations also replace, by a new Section 23A, the provisions of Section 23 of the North of Scotland Milk Marketing Scheme 1934, as amended, relating to consultations with buyers of milk and make consequential amendments to Section 23. The new provisions will put the Boards and their buyers on an equal footing when negotiating milk prices and related matters as required by Council Regulation (EEC) No. 1422/78 (O.J. No. L171, 28.6.1978, p. 14) concerning the granting of certain special rights to milk producer organisations in the United Kingdom as provided in Council Regulation (EEC) No. 804/68 (O.J. No. L148, 28.6.1968, p. 13) as last amended by Council Regulation (EEC) No. 1421/78 (O.J. No. L171, 28.6.1978, p. 12).

The principal changes are—

- (a) Each Scheme now requires that a Joint Committee is to be established with buyers' representatives being appointed by bodies representative of buyers of milk in bulk from the Board: hitherto, the selection of bodies to represent buyers was substantially at the discretion of the Boards. Failing agreement by bodies as to their representation, the body or bodies to be represented will be decided by the Minister (Sub-section (1)).
- (b) Provision is made for the appointment by the Joint Committee of sub-committees and a Chairman (Sub-sections (2) and (3)).
- (c) The Boards are required to negotiate their selling prices and related matters with buyers' representatives rather than simply to consult them about these matters (Sub-section (5)).
- (d) Any matter upon which the Joint Committee are unable to agree may be referred to an Arbitration Panel appointed by the Joint Committee or failing agreement, by the Minister. The Panel, only three of whom shall sit on any particular reference, is to consist of a Chairman and three other persons, with relevant experience. Provision is also made whereby the Joint Committee may vary the procedure so that any matter of disagreement may be referred to a single arbiter to be appointed by the Joint Committee from time to time. A decision of such Panel or of such single arbiter is binding on the Joint Committee unless the Joint Committee agree not to accept it (Sub-section (7)).
- (e) The Joint Committee or either of the parties comprising the Committee may invite any member of the Arbitration Panel to attend meetings of the Joint Committee and the Committee may consult any member of the Arbitration Panel. If any member of the Arbitration Panel has attended any meeting of the Joint Committee when a particular issue has been discussed or has been consulted on any particular issue, that member will not sit on the Arbitration Panel if that issue is referred to it (Sub-section (8)).

SI 1979/319
ISBN 0-11-093319-2



780110933191