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STATUTORY INSTRUMENTS

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**1988 No. 182**

**The Scottish Milk Marketing Schemes  
(Amendment) Regulations 1988**

**Amendment of the North of Scotland Milk Marketing Scheme**

4. The North of Scotland Milk Marketing Scheme 1934<sup>(1)</sup> shall be further amended—
- (a) by substituting in section 23A(5A) thereof for the words “Subject to subsection (5B)”, the words “Subject to subsections (5AA) and (5B)”;
  - (b) by substituting in section 23A(5A) thereof for the final sentence, the following sentence:—

“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 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.”
  - (c) by inserting after section 23A(5A) thereof, the following sub-section:—

“(5AA) 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-section, 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.”
  - (d) by omitting from section 23A(5B) thereof 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”;
  - (e) by substituting for section 23A(5E) thereof, the following sub-section:—

“(5E) Notwithstanding the foregoing provisions of this section, 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 or Article 6.2 of Commission Regulation (EEC) No. 1565/79. 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 Minister that the effect of such contravention or failure has been counteracted.”

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(1) S.R. & O. 1934/703; the relevant amending instruments are S.I. 1979/319 and 1981/447