

SCHEDULE 2

Regulation 2(1)

ELIGIBLE AND END YEAR PRODUCER CRITERIA

PART I

ELIGIBLE PRODUCER CRITERIA

1. An eligible producer is any person (other than an excluded producer) who—
 - (a) at any time during the relevant period was registered as a producer under the old marketing scheme,
 - (b) both—
 - (i) is a transferee of a person who satisfied the condition specified in sub-paragraph (a) above, and
 - (ii) notified the Board of such transfer in writing using the Board's form CR 160, or
 - (c) subject to paragraph 4 of Part III of this Schedule—
 - (i) is a transferee of a person who satisfied the condition specified in sub-paragraph (a) or (b) above, and
 - (ii) notified the Board of such transfer in writing in accordance with the conditions specified in paragraph 2 of Part III of this Schedule.
2. Evidence that a person sold milk to the Board at any given time shall be deemed to be evidence of his having been registered as a relevant producer at that time.
3. Part III of this Schedule shall have effect to supplement this Part, as well as Part II, of this Schedule.

PART II

END YEAR PRODUCER CRITERIA

1. An end year producer is any person who—
 - (a) sold milk to the Board during the final trading period,
 - (b) both—
 - (i) is a transferee of a person who satisfied the condition specified in sub-paragraph (a) above, and
 - (ii) notified the Board of such transfer in writing using the Board's form CR 160, or
 - (c) subject to paragraph 4 of Part III of this Schedule—
 - (i) is a transferee of a person who satisfied the condition specified in sub-paragraph (a) or (b) above, and
 - (ii) notified the Board of such transfer in writing in accordance with the conditions specified in paragraph 2 of Part III of this Schedule.
2. Part III of this Schedule shall have effect to supplement this Part, as well as Part I, of this Schedule.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART III

SUPPLEMENTAL

1. In this Schedule a person is the transferee of another person if—
 - (a) by reason of that other person dying or becoming subject to some legal disability or entering into a composition or scheme of arrangement with his creditors, he has (in the capacity of a personal representative, trustee, committee or in another like capacity) acquired any of the milk producing business of that other person;
 - (b) if in a transaction for value or otherwise he has acquired any of the milk producing business of that other person, whether he is connected with that other person or not.
2. The conditions mentioned respectively in paragraph 1(c)(ii) of Part I, and paragraph 1(c)(ii) of Part II, of this Schedule are that the transferee shall notify the Board of the transfer in writing—
 - (a) as regards transfers before Vesting Day, within three months, or such longer period as the Board may determine, following Vesting Day, or
 - (b) as regards transfers on or after Vesting Day, within three months, or such longer period as the Board may determine, following the transfer,

using any form of notification approved by the Board which meets the requirement specified in paragraph 3 below.

3. The requirement mentioned in paragraph 2 above is—
 - (a) in relation to a transferee to whom the circumstances described in paragraph 1(a) above apply, that the form of notification shall be signed by or on behalf of the transferee and shall have annexed to it documentary evidence of the acquisition;
 - (b) in relation to a transferee to whom the circumstances described in paragraph 1(b) above apply, that the form of notification shall be signed by or on behalf of the transferor and by or on behalf of the transferee and shall specify the date of the transfer.
4. Regardless of the date of the transfer, the entry of the transferor shall remain on the register until the transferee is entered in the register in his place.
5. In this Schedule “excluded producer” means any producer who during the relevant period was a division or subsidiary of, or was otherwise beneficially owned or controlled by, the Board.