

**2001 No. 3507**

**AGRICULTURE, ENGLAND AND WALES**

**The Milk Marketing Board (Residuary Functions)  
(Amendment) Regulations 2001**

*Made* - - - - - *28th October 2001*

*Laid before Parliament* *31st October 2001*

*Coming into force* - - *30th November 2001*

The Minister of Agriculture, Fisheries and Food and the National Assembly for Wales, acting jointly (the National Assembly for Wales acting only in relation to Wales), in exercise of the powers conferred by sections 14(2)(b)(ii) and 62(2) of the Agriculture Act 1993<sup>(a)</sup>, and now vested in them<sup>(b)</sup>, and of all other powers enabling them in that behalf, hereby make the following Regulations—

**Title, extent, commencement and interpretation**

1.—(1) These Regulations may be cited as the Milk Marketing Board (Residuary Functions) (Amendment) Regulations 2001, shall apply in England and Wales, and shall come into force on 30th November 2001.

(2) In these Regulations—

“the principal Regulations” means the Milk Marketing Board (Residuary Functions) Regulations 1994<sup>(c)</sup>;

“the relevant period” means such period, being a period of not less than one year, as the Secretary of State shall determine after consulting the relevant persons or organisations;

“the relevant persons or organisations” means any such persons or organisations as appear to the Secretary of State to represent the interests of relevant producers;

“relevant producers” means any persons who on the date of the final distributions under regulation 28(2) of the principal Regulations were registered eligible producers;

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(a) 1993 c. 37.

(b) “The appropriate authority” is defined in section 24(2) of the Agriculture Act 1993, in the case of a milk marketing board whose area is in England and Wales and in relation to things done by that authority, as the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly. The functions of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) in relation to Wales. The residual joint functions of the Secretary of State in relation to England (left as a result of the transfer of the Secretary of State’s functions to the National Assembly for Wales) were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(c) S.I. 1994/2759.

“the Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs; and

“transferred assets” means any assets transferred to the Secretary of State by virtue of regulation 28A of the principal Regulations.

### **Amendment of the principal Regulations**

2. The principal Regulations shall be amended in accordance with regulations 3 and 4 of these Regulations.

3. In regulation 28—

(a) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Any liability to pay a sum which, following a distribution of that sum, for the time being remains unclaimed shall be disregarded for the purposes of paragraph (1)(b) above, and the Minister may by notice to the Board specify any asset or class of assets or any additional liability or class of liabilities, including any assets arising or liability incurred after the giving of the notice, which shall likewise be disregarded for those purposes, or for the purposes of determining whether any assets are “surplus assets of the Board remaining on the final liquidation” for the purposes of regulation 27(3).”;

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where, at the time that the account is made up under paragraph (3) above, any amounts distributed by way of final distribution in accordance with regulation 27(3) and paragraph (2) above remain unclaimed, the account made up under paragraph (3) above shall show the total such amount unclaimed.”.

4. After regulation 28 there shall be inserted the following regulation—

#### **“Transfer of property, rights and liabilities**

**28A.** Where an order under section 14(5) of the Act has been made in relation to the Board, the property, rights and liabilities of the Board shall, by virtue of this regulation and with effect from the day after the date on which such order is made, be transferred to the Secretary of State for Environment, Food and Rural Affairs.”.

### **Supplementary and consequential provisions**

5. The Secretary of State shall for the relevant period—

(a) hold any transferred assets, being any sums distributed under an interim distribution, or under the final distributions made under regulation 28(2) of the principal Regulations, and remaining unclaimed, for the purpose of paying such sums to the persons entitled to claim them under the terms of the distribution in question; and

(b) hold any other transferred assets for the purpose of discharging any liability of the Board which was transferred to her by virtue of regulation 28A of the principal Regulations.

6. Subject to regulation 8, upon the expiry of the relevant period, the Secretary of State shall hold any transferred assets for the purpose of disposing of them in such manner as she may determine, provided that the disposal is for one of the purposes specified in regulation 7, or in part for one of those purposes and in part for the other.

7. The purposes referred to in regulation 6 are—

(a) making such distribution of the transferred assets to relevant producers as would have been required of the Board had the assets fallen to be distributed on the final distributions under regulation 28(2) of the principal Regulations; and

(b) transferring them to such body corporate or other organisation as the Secretary of State may determine, being a body corporate or organisation appearing to her to be established for purposes—

- (i) connected with milk production in England and Wales; or
- (ii) beneficial to relevant producers or to persons engaged in the production of milk in England and Wales.

8. Before making any determination under regulation 6 or 7(b), the Secretary of State shall consult the relevant persons or organisations.

28th October 2001

*Whitty*  
Parliamentary Under-Secretary of State,  
Department for Environment, Food and Rural Affairs

Signed on behalf of the National Assembly for Wales,

25 October 2001

*J. E. Randerson*  
Assembly Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend, with effect from 30th November 2001, the Milk Marketing Board (Residuary Functions) Regulations 1994 (“the principal Regulations”) so as to facilitate the winding-up of the affairs of the residuary Milk Marketing Board (“the Board”) (as anticipated by regulation 28 of the principal Regulations).

These Regulations—

- (a) introduce amendments to regulation 28 of the principal Regulations so as to allow the Board to proceed to a winding-up where sums it has distributed in accordance with its obligations remain unclaimed (regulation 3);
- (b) with effect from the day after the making of an Order under section 14(5) of the Agriculture Act 1993 dissolving the Board, transfer any remaining property, rights or liabilities of the Board to the Secretary of State for Environment, Food and Rural Affairs (regulation 4), for the purposes initially of holding any distributed assets that remain unclaimed and for discharging any outstanding liabilities, but after a period to be determined, and further to consultation with relevant persons or organisations, of distributing them to registered eligible producers or transferring them to such final destination as the Secretary of State may consider appropriate (regulations 5, 6, 7 and 8).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

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