CHAPTER 66.

An Act to extend, with amendments, certain temporary provisions of the Milk Acts, 1934 and 1936, and otherwise to amend the said Acts. [30th July 1937.]

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BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Extension of periods for Exchequer payments under ss. 1, 2 and 3 of principal Act.

24 & 25 Geo. 5. c. 51. 26 Geo. 5. & 1 Edw. 8. c. 9.

1. The periods of forty-two consecutive months specified in sections one, two and three of the Milk Act, 1934, as amended by the Milk (Extension of Temporary Provisions) Act, 1936, (which first-mentioned Act as so amended is in this Act referred to as " the principal Act ") as the periods within which must fall the month by reference to which payments out of moneys provided by Parliament are determined under those sections (which relate respectively to Exchequer payments in respect of milk sold for manufacture, used for manufacture by milk marketing boards, and converted into cheese at farms) shall be extended by twelve months, and accordingly such payments shall, subject to the provisions of those sections and of sections five and six of this Act, be made in respect of months falling within those periods as so extended.

Extension of periods for payments to

2. The periods of forty-two consecutive months specified in subsection (1) and in subsection (2) of section five of the principal Act as the periods within which

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Exchequer under s. 5 of principal Act.

must fall the month by reference to which sums payable to the Minister by the board administering a milk marketing scheme are determined under those subsections (which relate to payments to the Exchequer in respect of milk used in manufacturing milk products) shall be extended by twelve months, and accordingly such payments shall, subject to the provisions of the said section five and of section five of this Act, be made in respect of months falling within those periods as so extended.

Extension of period in respect of which Exchequer contribution may be made towards expenses of boards.

3. The power of the Minister under subsection (1) of section eleven of the principal Act to pay to the board administering a milk marketing scheme, out of moneys provided by Parliament, sums in respect of expenses incurred by the board in giving effect to arrangements for increasing the demand for milk shall include power to make payments as aforesaid in respect of such expenses as appear to the Minister to be attributable to any time before the first day of October, nineteen hundred and thirty-eight; and the amount which may be expended under the said subsection shall be increased by five hundred thousand pounds.

Exchequer payments to Government of Northern Ireland in respect of milk used for manufacture in the year ending 30th September, 1938.

4.—(1) Section six of the principal Act (which relates to Exchequer payments to the Government of Northern Ireland in respect of milk used in manufacture) shall have effect as if after subsection (1) of that section there were inserted the following subsection:—

"(1A) The Minister of Agriculture and Fisheries shall, as and when the Treasury may direct, pay out of moneys provided by Parliament to the Government of Northern Ireland, in respect of the period beginning on the first day of October, nineteen hundred and thirty-seven, and ending with the thirtieth day of September, nineteen hundred and thirty-eight, such sums as the Treasury may determine in respect of milk produced in Northern Ireland which has, in that period, been used in manufacturing cream or butter at premises registered under any Act of the Parliament of Northern Ireland relating to the marketing of dairy produce:

Provided that the sums payable under this subsection shall not exceed such amount as appears to the Treasury to be sufficient to secure that the

sum per gallon payable in respect of such milk used as aforesaid in any month of that period to the respective producers thereof is not less than the standard price for that month."

(2) Subsection (2) of the said section six shall have effect as if in that subsection for the words "forty-two "consecutive months falling between the end of March, "nineteen hundred and thirty-six, and the beginning of "October, nineteen hundred and thirty-nine," there were substituted the words "fifty-four consecutive months "falling between the end of March, nineteen hundred and "thirty-six, and the beginning of October, nineteen "hundred and forty", and as if in the proviso to that subsection the words "subsection (1) of" were omitted.

Amendment of definition of cheese-milk price and provision for butter-milk price.

5.—(1) Sections one and two, and subsection (1) of section five, of the principal Act (which relate to payments in respect of milk used in manufacturing milk products) shall have effect, in relation to milk used in any month falling after the end of July, nineteen hundred and thirty-seven, in manufacturing butter, as if for any reference to the cheese-milk price there were substituted a reference to the butter-milk price, as hereinafter defined.

(2) In relation to any month falling after the end of July, nineteen hundred and thirty-seven, the cheese-milk price for the purposes of the principal Act shall be, instead of the sum specified in paragraph (*a*) of subsection (1) of section four of that Act, such sum as the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, acting in conjunction, may, with the approval of the Treasury, certify to represent the value per gallon of the greater part of the milk which, during that month, was sold wholesale in Great Britain for manufacture into cheese.

(3) In this section the expression "butter-milk price" means, in relation to any month, such sum as the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, acting in conjunction, may, with the approval of the Treasury, certify to represent the value per gallon of the greater part of the milk which, during that month, was sold wholesale in Great Britain for manufacture into butter.

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(4) In determining, for the purposes of subsection (2) or subsection (3) of this section, the value per gallon of the greater part of the milk which in any particular month was sold in Great Britain for manufacture into cheese or butter, as the case may be, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland shall take into account, but shall not be limited to the consideration of, the terms of any contracts relating to the sale of milk in that month for such manufacture as aforesaid; and any reference in this section to the greater part of the milk which in any month was sold in Great Britain for any particular purpose shall be construed as a reference to the greatest quantity of milk which appears to the said Minister and Secretary of State to have been sold at the same price for that purpose during that month.

(5) In relation to each month falling between the end of July, nineteen hundred and thirty-seven, and the beginning of October, nineteen hundred and forty, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland shall cause the certificates relating to the cheese-milk price and the butter-milk price for that month to be published, as soon as may be, in such manner as they think best for informing persons concerned.

Construction of reference to net cost of milk in s. 1 of principal Act.

6. Section one of the principal Act shall have effect, and shall be deemed always to have had effect, subject to the provisions of this section, that is to say, the net cost per gallon of milk to a purchaser shall, in relation to milk used in manufacturing any milk product,—

(*a*) if the relevant contract specifies a manufacturing price for milk in relation to that product, or a price for milk used in manufacturing that product (being in either case a price per gallon as to which the Minister is satisfied that it is properly so specified), be taken to be the price so specified, with such additions, if any, thereto as the Minister may determine as representing other sums payable in respect of the milk in question, or

(*b*) if the relevant contract does not specify any such price, be taken to be such sum as the Minister may determine as representing the price per

gallon for milk used in manufacturing that product, with such additions, if any, as aforesaid;

and, where the relevant price for milk used in manufacturing any milk product differs in respect of milk sold for use in manufacturing different descriptions of that milk product, the foregoing provisions of this section shall have effect as if for any reference therein to the milk product there were substituted a reference to that description of the milk product in manufacturing which the milk in question is used.

Payments by boards to registered producers in respect of milk sold at a reduced price.

7. The board administering a milk marketing scheme may submit to the Minister arrangements for the sale by registered producers, at a reduced price, of any quantity of milk produced in the area to which the scheme applies, and, if the Minister approves the arrangements, the provisions of subsection (1) of section twelve of the principal Act relating to payments or allowances to registered producers in respect of milk sold at a reduced price shall have effect in relation to milk sold in accordance with the said arrangements, as those provisions have effect in relation to milk sold in accordance with arrangements approved by the Minister for the purposes of section eleven of the principal Act.

Minor and consequential amendments.

8.—(1) The amendments specified in the second column of Part I of the First Schedule to this Act, which relate to matters of minor detail, shall be made in the provisions of the principal Act specified in the first column of that Part of that Schedule.

(2) The amendments specified in the second column of Part II of the First Schedule to this Act, being amendments consequential on the foregoing provisions of this Act, shall be made in the provisions of the principal Act specified in the first column of that Part of that Schedule.

Short title, construction, citation and repeals.

9.—(1) This Act may be cited as the Milk (Amendment) Act, 1937, and shall be construed as one with the principal Act, and the Milk Acts, 1934 and 1936, and this Act may be cited together as the Milk Acts, 1934 to 1937.

(2) The enactment specified in the Second Schedule to this Act shall be repealed to the extent mentioned in the third column of that Schedule.

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SCHEDULES.

Section 8.

FIRST SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

PART I.

MINOR AMENDMENTS.

Provisions to be amended.	Amendments.
Section two - - -	In subsection (2) for the words "the net sum" there shall be substituted the words "the price", and at the end of that subsection there shall be added the following paragraph :— "The reference in this subsection to the greater part of the milk sold in Great Britain for use in manufacturing a milk product shall be construed as a reference to the greatest quantity of milk which appears to the Minister to have been sold at the same price for use in manufacturing that milk product."
	In subsection (4) for the words "the net sum" there shall be substituted the words "the price".
Sections five and seven -	At the end of paragraph (*b*) of subsection (2) of each of those sections there shall be added the words "excluding milk in respect of which, by virtue of an order in force under the proviso to subsection (1) of section three of this Act, no sums could become payable to the Board under that section, and, if the Minister (with the approval of the Treasury) so directs, excluding milk

Provisions to be amended.	Amendments.
Sections five and seven—*cont.*	" which has been used by registered producers in manufacturing cheese unless the cheese has been sold in lots of not less than such weight or quantity as may from time to time be specified in the directions."
Section seven - - -	In subsection (2), in paragraph (*a*) thereof, for the words " in respect of the use of which in that month sums are payable " there shall be substituted the words " so used in that month that sums might become payable in respect thereof ".
Section twelve - - -	In subsection (1), for the words " the board may, notwithstanding anything in the scheme and " there shall be substituted the words " and without prejudice to any obligation expressly imposed on the board by the scheme, the board may ".

PART II.

CONSEQUENTIAL AMENDMENTS.

Section one -	In paragraph (1), for the words " forty-two consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning of October, nineteen hundred and thirty-seven " there shall be substituted the words " fifty-four consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning of October, nineteen hundred and thirty-eight ".
Sections two and three.	In subsection (1) of each of those sections, for the words " forty-two consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning of October,

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1ST SCH. —*cont.*

Provisions to be amended.	Amendments.
Sections two and three —*cont.*	" nineteen hundred and thirty-seven " there shall be substituted the words " fifty-four consecutive months " between the end of March, nineteen " hundred and thirty-four, and the " beginning of October, nineteen hundred " and thirty-eight ".
Section five	- In each of subsections (1) and (2), for the words " forty-two consecutive months " falling between the end of March, " nineteen hundred and thirty-six, and " the beginning of October, nineteen " hundred and thirty-nine," there shall be substituted the words " fifty-four " consecutive months falling between " the end of March, nineteen hundred " and thirty-six and the beginning of " October, nineteen hundred and forty ".
Section six	- In subsection (2), for the words " forty-two " consecutive months falling between the " end of March, nineteen hundred and " thirty-six and the beginning of October, " nineteen hundred and thirty-nine " there shall be substituted the words " fifty-four consecutive months falling " between the end of March, nineteen " hundred and thirty-six and the begin- " ning of October, nineteen hundred and " forty ", and in the proviso the words " subsection (1) of " shall be omitted.
Section seven	- In subsection (2), for the words " forty-two " consecutive months falling between the " end of March, nineteen hundred and " thirty-six, and the beginning of October, " nineteen hundred and thirty-nine " there shall be substituted the words " fifty-four " consecutive months falling between the " end of March, nineteen hundred and " thirty-six, and the beginning of October, " nineteen hundred and forty ". In subsection (4), for the words " September, nineteen hundred and thirty-nine " there shall be substituted the words " September, nineteen hundred and forty ".

Provisions to be amended.	Amendments.
Section eight	In subsection (2), for the words "October, nineteen hundred and thirty-nine" there shall be substituted the words "October, nineteen hundred and forty".
Section eleven	In subsection (1), in paragraph (*a*) of the proviso thereto, for the words "September, nineteen hundred and thirty-seven" there shall be substituted the words "September, nineteen hundred and thirty-eight"; and in paragraph (*b*) of the said proviso, for the words "one million five hundred thousand pounds" there shall be substituted the words "two million pounds".

SECOND SCHEDULE.

Section 9.

PROVISIONS REPEALED IN PRINCIPAL ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Geo. 5. c. 51.	The Milk Act, 1934	In section one, in paragraph (2), the words "by virtue of the terms of the contract"; in section four, in subsection (1), paragraph (*a*), and subsections (2) and (3); in section twelve, in subsection (1), in paragraph (*e*), the words "for the purposes of the last foregoing section".

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