EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

The Marginal Agricultural Production (Scotland) Scheme, 1949, made under Section 75 of the Agriculture (Scotland) Act, 1948, provides that the Secretary of State may give assistance, subject to certain defined conditions, in respect of specified goods and services. The Scheme is intended to encourage the fullest possible production on farms of inferior type where such production would not be possible without assistance.

The present scheme extends the scope of the Scheme mentioned above. It provides that the Secretary of State may give assistance under that Scheme, subject to certain defined conditions, towards the cost of rehabilitating semi-derelict land. It also enables assistance to be given towards the costs incurred by certain small specialist producers of milk, eggs and pigs in purchasing feeding stuffs.

The Milk Marketing Scheme (Amendment) Order, 1950

1950 No. 1029

Made - - - -	*23rd June*, 1950
Laid before Parliament	*24th June*, 1950
Coming into Operation	*1st July*, 1950

In pursuance of sub-section (1) of Section 15 of the Agricultural Marketing Act, 1949(**a**), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries hereby makes the following Order:—

1. This Order may be cited as the Milk Marketing Scheme (Amendment) Order, 1950, and shall come into operation on the 1st day of July, 1950.

2. The Milk Marketing Scheme, 1933(**b**), (as amended(**c**)) shall be amended in the manner set forth in the Schedule hereto.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 23rd day of June, 1950.

(L.S.) *T. Williams*,
Minister of Agriculture and Fisheries.

SCHEDULE

1. In paragraph 3, the definition of "Market Supply Committee" shall be omitted.

2. In paragraph 8, for the words from "this Scheme" to the end of the paragraph there shall be substituted the words "paragraph 16 hereof as to the filling of casual vacancies in the case of regional members and special members, the Board shall consist, after the 30th day of June, 1934, of twelve regional members elected for the several regions by the registered producers respectively producing milk therein and three special members elected by the registered producers in general meeting and, until the 30th day of June, 1950, two persons co-opted to the Board by the elected members of the Board and, after that date, not less than two and not more than three persons appointed by the Minister in accordance with sub-section (1) of section 1 of the Agricultural Marketing Act, 1949".

(**a**) 12, 13 & 14 Geo. 6. c. 38. (**b**) S.R. & O. 1933 (No. 789) p. 20.
(**c**) S.R. & O. 1936 (No. 767) I, p. 22; S.R. & O. 1937 (Nos. 228 and 744) pp. 1–2; S.R. & O. 1939 (No. 324) I, p. 30.

3. Paragraph 14A shall be omitted.

4. In paragraph 15, before the word "member" where that word first occurs there shall be inserted the words "regional member or special".

5. In paragraph 16, the words "If a person co-opted in accordance with the provisions of paragraph 8 of this Scheme dies or ceases to hold office under the last foregoing paragraph, another person shall be co-opted, in manner provided in paragraph 8, in his place" shall be omitted.

6. In paragraph 19, for the words from the beginning of the paragraph to the words "Agricultural Marketing Act, 1933;" there shall be substituted the words "The Board shall appoint from among the members thereof an Executive Committee consisting of not more than seven persons of whom at least one shall be a member of the Board appointed by the Minister;".

7. At the end of paragraph 20, there shall be added the words "The provisions of this paragraph do not apply to the Disciplinary Committee described in paragraph 71 hereof."

8. In paragraph 22, after the words "a committee thereof" there shall be inserted the words "appointed under the provisions of paragraph 19 or paragraph 20 hereof".

9. In paragraph 48, for the words from "or invested" to the end of the paragraph there shall be substituted the words "or, if not for the time being required for the purposes of the functions of the Board, may be invested, but, except with the approval of the Minister, shall not be invested otherwise than in securities in which a trustee is authorised, under Sections 1 and 2 of the Trustee Act, 1925(a), as extended by any subsequent enactment, to invest trust funds.".

10. In paragraph 51, after the words "income and expenditure account", where those words occur for the third time, there shall be inserted the words "which shall include a statement of the manner in which, in accordance with the provisions of paragraph 48 hereof, any monies are invested.".

11. Paragraph 58 shall be omitted.

12. Paragraphs 59 and 59A shall be renumbered 58 and 59 respectively.

13. Sub-paragraph (5) of paragraph 62 shall be omitted.

14. In paragraph 69, all the words after "specified in the demand" shall be deleted.

15. In paragraph 70, all the words after "such entry and inspection" shall be deleted.

16. The following paragraph shall be substituted for paragraph 71:—

"71 (1) (*a*) If any registered producer—

(i) sells milk under a contract made in contravention of any prescription of the Board under paragraph 55 hereof; or

(ii) sells milk otherwise than by retail or by semi-retail under a contract which does not contain all the terms which the Board have prescribed under paragraph 57 hereof; or

(iii) sells milk in breach of any such term providing for registration of the contract by the Board unless he has a permit in writing from the Board allowing him to sell otherwise than under a contract so registered;

then, subject to the provisions of the Act with respect to existing contracts, the Disciplinary Committee hereinafter described shall impose upon him and the Board shall recover from him much monetary penalty (not exceeding £100 plus half of the price for which the milk was sold) as that Committee think just:

Provided that nothing in the foregoing provisions of this sub-paragraph shall be deemed to prohibit or affect the sale of milk by retail.

(*b*) If any registered producer sells milk in contravention of sub-paragraph (1) of paragraph 62 hereof, the Disciplinary Committee shall impose upon him and the Board shall recover from him such monetary penalty (not exceeding £100) as that Committee think just.

(a) 15 & 16 Geo. 5. c. 19.

(*c*) If any licensed retailer sells any milk by retail or by semi-retail in contravention of the conditions of his retail licence, the Disciplinary Committee shall impose upon him and the Board shall recover from him such monetary penalty (not exceeding £100) as that Committee think just.

(*d*) If any registered producer fails without reasonable excuse to comply with any demand made by the Board in pursuance of paragraph 69 hereof or if he knowingly makes any false statement in reply thereto, or if he obstructs or interferes with any person duly authorised by the Board under paragraph 70 hereof, the Disciplinary Committee shall impose upon such producer and the Board shall recover from him such monetary penalty (not exceeding £20) as that Committee think just.

(*e*) No such penalty shall be imposed in respect of such a contravention as aforesaid which constitutes an offence under any Act other than the Act.

(2) (*a*) There shall be a Committee of the Board, to be known as the Disciplinary Committee, constituted, at each sitting thereof, of not less than four nor more than six members of the Board and a chairman who is not a member of the Board but is an independent person who is a barrister of not less than seven years' standing or a solicitor of not less than seven years' standing and is approved by the Minister.

(*b*) No penalty shall be imposed on a registered producer pursuant to this paragraph except after a hearing by the said Committee and by the decision thereof, taken in accordance with the opinion of all or the majority of the members thereof, so, however, that if there is an equal division of opinion, the opinion of the chairman shall prevail.

(*c*) Notice of the time and place of every such hearing and a written statement of the charge against the producer in question shall be served personally or by registered post on that producer at least fourteen days before the hearing.

(*d*) No penalty shall be imposed for any contravention which occurred more than six years before the service of the said written statement of the charge.

(*e*) Where such a written statement of a charge against a producer has been sent to or served on him as aforesaid and the charge is withdrawn or is not substantiated before the said Committee, the Board shall have the power, and, to such extent as the said Committee may decide, the duty, to make payments to the producer in respect of his costs in connection with the charge.

(*f*) The said Committee, if they find that a contravention has occurred, may postpone the imposition of a penalty for a period not exceeding twelve months.

(3) As soon as may be after every hearing by the Disciplinary Committee, written notice of their decision shall be sent to the registered producer in question and he may, on or before the fourteenth day after the date on which the notice was so sent to him, give notice to the Board referring the matter to arbitration under the provisions of this Scheme, and, if the matter is so referred no proceedings shall be taken by the Board otherwise than for the purposes of the arbitration or to enforce the award of the arbitrator; and the arbitrator may award payment by the producer of such penalty or other sums as he thinks just but not exceeding the maximum penalty or other sums respectively which could have been imposed or required by the Disciplinary Committee.

(4) The said Committee shall have the power to reconsider their decision in relation to the case of any such producer if, upon considering any written application in that behalf by the registered producer in question made within three months after the date of the original hearing by the said Committee, the Committee is satisfied that:—

(*a*) there may be facts relevant to the case other than the facts which were before the Committee at the original hearing, and

(*b*) if such other facts had been previously known to the Committee, their decision would have been influenced thereby, and

(*c*) the matter has not been referred to arbitration pursuant to subparagraph (3) of this paragraph.

(5) (*a*) If the said Committee determine pursuant to the last preceding subparagraph of this paragraph to reconsider any case it shall be their duty to

rehear the case, and if, as a result, they are of opinion that a substantial miscarriage of justice has occurred, they shall vary the previous decision of the Committee, and the Board shall thereupon give effect to such variation.

(*b*) the provisions of sub-paragraphs (2) (*b*) and (3) of this paragraph shall apply to every such rehearing.

(6) Subject as aforesaid, every penalty imposed and every sum required to be paid by a decision of the Disciplinary Committee shall be a debt due to the Board and recoverable accordingly.

(7) A person whose name appeared upon the register of producers at the date when he contravened any provision of this Scheme shall, notwithstanding that his name has since been removed from the register, be deemed to remain a registered producer for the purpose only of this paragraph."

17. In paragraph 94, after the word " Scheme ", there shall be inserted the words " (other than that contained in paragraph 71 (2) hereof) ".

EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

Section 15 (1) of the Agricultural Marketing Act, 1949, requires the Minister to amend any agricultural marketing scheme approved before the passing of that Act so as to bring it into conformity therewith. This order, accordingly, makes the necessary amendments to the Milk Marketing Scheme, 1933, and provides, inter alia, for the appointment by the Minister of members to the Board, the limitation of investment of the Board's funds to the securities mentioned in the Trustee Act, 1925, and the establishment of a Disciplinary Committee to hear all cases of alleged contravention of the Scheme.

The Scottish Milk Marketing Scheme (Amendment) Order, 1950

1950 No. 2057 (S. 135)

Made - - - -	15*th December*, 1950
Laid before Parliament	18*th December*, 1950
Coming into Operation	1*st February*, 1951

In exercise of the powers conferred upon me by section 15 of the Agricultural Marketing Act, 1949(**a**), and of all other powers enabling me in that behalf I hereby make the following Order:—

1. This Order may be cited as the Scottish Milk Marketing Scheme (Amendment) Order, 1950, and shall come into operation on the 1st day of February, 1951.

2. The Scottish Milk Marketing Scheme, 1933(**b**), as amended(**c**) shall have effect subject to the amendments specified in the Schedule to this Order.

Dated this 15th day of December, 1950.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(**a**) 12, 13 & 14 Geo. 6, c. 38. (**b**) S.R. & O 1933 (No. 479) p. 51.
(**c**) S.R. & O. 1934 (No. 1437) I, p. 27; S.R. & O. 1935 (No. 691) p. 5; S.R. & O. 1935 (No. 1246) p. 6; S.R. & O. 1937 (No. 624) p. 21; S.R. & O. 1937 (No. 818) p. 26; S.R. & O. 1938 (No. 1168) I, p. 5; S.R. & O. 1940 (No. 1717) II, p. 286; S.R. & O. 1941 (No. 1109) II, p. 238; S.I. 1950 No 1724, p. 50 below.