STATUTORY INSTRUMENTS

1965 No. 2193 (S. 128)

AGRICULTURE

AGRICULTURAL MARKETING

The Scottish Milk Marketing Scheme (Amendments) (No. 2) Approval Order 1965

Made - - - 23*rd December* 1965
Coming into Operation 1*st January* 1966

Whereas the Scottish Milk Marketing Board (hereinafter referred to as "the Board") submitted to the Secretary of State in accordance with the provisions of section 2 of and Schedule 1 to the Agricultural Marketing Act 1958(**a**) certain amendments to the Scottish Milk Marketing Scheme 1933, as amended, approved by the Scottish Milk Marketing Scheme (Approval) Order 1933(**b**), as amended(**c**):

And Whereas no objections were made to the amendments so submitted and the Board assented to certain modifications therein which the Secretary of State proposed to make by virtue of the powers conferred on him by subsection (4) of the said section 2 as applied by paragraph 1(4) of the said Schedule 1:

And Whereas the amendments so submitted and modified as aforesaid are set out in the Schedule to this Order:

Now therefore, in exercise of the powers conferred on him by the said section 2 and Schedule 1, the Secretary of State hereby orders as follows:—

1.—(1) This Order may be cited as the Scottish Milk Marketing Scheme (Amendments) (No. 2) Approval Order 1965 and shall come into operation on 1st January 1966.

(2) The Interpretation Act 1889(**d**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. The amendments to the Scottish Milk Marketing Scheme 1933, as amended, set out in the Schedule to this Order are hereby approved.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
23rd December 1965.

(a) 6 & 7 Eliz. 2. c. 47.
(b) S.R. & O. 1933/479 (Rev. I, p. 263: 1933, p. 51).
(c) The relevant amending orders are S.R. & O. 1935/691, 1246, 1937/624, 818, 1938/1168 (Rev. I, p. 266: 1935 pp. 5, 6; 1937 pp. 21, 26; 1938 I, p. 5), S.I. 1950/2057, 1956/650, 1965/644, (1950 I, p. 46; 1956 I, p. 103; 1965 I, p. 2027).
(d) 52 & 53 Vict. c. 63.

SCHEDULE

AMENDMENTS OF THE SCOTTISH MILK MARKETING SCHEME 1933

Section 2—Interpretation

In subsection (1) delete "'Certified milk' and 'Tuberculin Tested milk'" and substitute therefor "'Premium milk' and 'Standard milk'".

At the end of the subsection add a new definition:—

"'Retail container' has the meaning assigned to it by the Milk (Special Designations) (Scotland) Order 1965."

Section 4—Board to Administer the Scheme

Delete subsection (1) and substitute therefor:

"(1) *The Board.* The Scheme shall be administered by a Board which shall be a body corporate with a common seal."

In subsection (2) delete the title "Subsequent Boards" and substitute therefor "Composition of Board".

In subsection (3)(*a*) delete "section 42" and substitute therefor "section 40".

Section 15—Provisions for the Purchase and Sale of Milk, the Production of Commodities therefrom, and for Other Matters

Delete "From and after the end of the Statutory Suspensory period".

In subsection (6) delete "(*b*)" and substitute therefor "(*a*)"; delete "Certified" wherever occurring and substitute therefor "Premium".

Section 16—Prohibition of Sale except to or through the Board and the Board's Obligation to accept Milk

In subsection (1) delete "From and after the end of the Statutory Suspensory Period or of the Second Suspensory Period, if any,".

Section 17—Prohibition of Sale by Unregistered Producers not Exempted

Delete "From and after the end of the Statutory Suspensory Period or of the Second Suspensory Period, if any,".

Section 18—Information to be Furnished by Registered Producers after the End of the Statutory Suspensory Period

Delete "after the End of the Statutory Suspensory Period" in the title and the same words where they occur in the text of the section.

Section 19—Conditions of Sale of Milk

Delete "From and after the end of the Statutory Suspensory Period or of the Second Suspensory Period, if any, and".

Delete provisos (*a*) and (*b*) to subsection (1) and substitute therefor:—

"(*a*) that the Standard Price may also be applied to Standard milk or Premium milk or to any class of sale of Standard milk or of Premium milk, and that from such date, and subject to such conditions (including in the case of Premium milk the payment of the Special Premium referred to in subsection (6) of section 15 of the Scheme) as the Board may from time to time determine; and".

Reletter proviso (*c*) to the subsection as proviso (*b*).

Section 21—Haulage

Delete "From and after the end of the Statutory Suspensory Period or of the Second Suspensory Period, if any:—".

Section 25—Financial Provisions and Payment for Milk

In subsection (11) delete from "in the stocks" to the end of the subsection, and substitute therefor "as authorised by the Trustee Investments Act 1961."

Section 27—Sale of Certified Milk

Delete title " Sale of Certified Milk " and substitute therefor " Sale of Premium Milk in Retail Containers otherwise than by Retail or Semi-Retail ".

In subsection (1) where it occurs in the first line and in subsections 3 and 4 wherever it occurs, delete " Certified " and substitute therefor " Premium ".

In line 2 of subsection (1) delete " sold by a registered producer," and substitute therefor " put into retail containers on his farm and sold by a registered producer otherwise than by retail or semi-retail as defined in subsection (5) of section 26 of the Scheme,".

In the proviso to subsection (1) delete " to Certified milk sold by a registered producer otherwise than by retail or semi-retail as defined in subsection (4) of section 26 of the Scheme " and substitute therefor " to such milk as aforesaid ".

In subsection (2) delete the first sentence and substitute therefor:—

" Every registered producer of Premium milk shall pay to the Board a contribution of such amount as the Board may from time to time determine in respect of every gallon of Premium milk of his own production put into retail containers on his farm, which he has sold as Premium milk otherwise than by retail or semi-retail."

In subsection (3) after the word " production " insert " put into retail containers on their farms and " ; after the word " them " insert " as Premium milk otherwise than by retail or semi-retail ".

In subsection (4) after the word " production " in line 7 insert " put into retail containers on their farms and " ; after the word " them " insert the words " as Premium milk otherwise than by retail or semi-retail ".

Section 31—Power of Inspection of Lands and Premises of Registered Producers

Delete " After the end of the Statutory Suspensory Period, and ".

Section 32—Penalties for Contravention of the Provisions of the Scheme or of Determinations of the Board. The Disciplinary Committee

In subsection (1) delete " , from and after the end of the Statutory Suspensory Period or of the Second Suspensory Period, if any,".

Section 34—Initial Poll of Registered Producers

Delete the section.

Section 35—Statutory Polls

Renumber as 34.

In subsection (6) delete " First ".

Section 36—Corrupt and Illegal Practices at Statutory Polls and Penalties therefor

Renumber as 35.

Delete " Corrupt and Illegal Practices Prevention Act, 1883, and in the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890 " and substitute therefor " Representation of the People Act 1949 ".

Delete " Acts " and substitute therefor " Act ".

Section 37—Suspensory Periods

Delete the section.

Section 38—Accounts

Renumber as 36.

Section 39—Annual General Meeting

Renumber as 37.

Section 40—Special General Meetings

Renumber as 38.

Section 41—Notice of General Meetings
Renumber as 39.

Section 42—Voting at General Meetings
Renumber as 40.

Section 43—Quorum at General Meetings
Renumber as 41.

Section 44—Amendment of the Scheme
Renumber as 42.

Section 45—Revocation of the Scheme
Renumber as 43.

Section 46—Winding-up of the Board
Renumber as 44.

Section 47—The Common Seal
Renumber as 45.

Section 48—Deeds
Renumber as 46.

Section 49—Proof of Posting
Renumber as 47.

Section 50—Reprinting of Scheme
Renumber as 48.

First Schedule
Delete " First ".

Second Schedule
Delete the Schedule.

Third Schedule
Delete the Schedule.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order approves amendments to the Scottish Milk Marketing Scheme.

The amendments are consequential upon the introduction of new designations of milk " Premium " and " Standard " and the discontinuance of the designations " Certified " and " Tuberculin Tested ".

There are also provisions regarding the sale of Premium milk and the removal of obsolete parts of the Scheme.