
STATUTORY INSTRUMENTS

1985 No. 958 (N.I. 9)

NORTHERN IRELAND

**The Milk (Cessation of Production)
(Northern Ireland) Order 1985**

<i>Made</i>	<i>25th June 1985</i>
<i>Laid before Parliament</i>	<i>9th July 1985</i>
<i>Coming into Operation</i>	<i>26th August 1985</i>

At the Court at Buckingham Palace, the 25th day of June 1985

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of sections 1 to 3 of the Milk (Cessation of Production) Act 1985: 1985 c. 4

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 6 of that Act of 1985) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:— 1974 c. 28

Title and commencement

1. This Order may be cited as the Milk (Cessation of Production) (Northern Ireland) Order 1985 and shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly. 1954 c. 33

(2) In this Order “the Department” means the Department of Agriculture.

Payments to persons ceasing milk production

3.—(1) For the purpose of compensating persons who are or have been registered milk producers for discontinuing milk production, the

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Department may make payments to such persons who have undertaken—

- (a) to cease producing milk for sale or for the manufacture of any milk product for sale; and
- (b) to surrender all their milk quotas to the reserve.

(2) For the purpose of compensating persons who are or have been registered milk producers for reducing milk production, the Department may make payments to such persons who have undertaken—

- (a) to reduce their production of milk for sale or for the manufacture of any milk product for sale; and
- (b) to surrender part of their milk quotas to the reserve.

(3) The Department may prepare a scheme in accordance with which payments under paragraphs (1) and (2) may be made; and such a scheme may make provision as to payments under one or both of those paragraphs.

(4) A scheme under this Article shall make provision as to the calculation of the amount of the payments to be made under the scheme and may provide for the payments to be made by way of a lump sum payment or instalments.

(5) A scheme under this Article may—

- (a) impose such requirements and provide for payments under the scheme to be made subject to such conditions as the Department may think fit; and
- (b) provide for the repayment of the whole or part of any sum paid under it in any case where such a requirement or condition is not complied with.

(6) A scheme under this Article may apply only to producers who are registered in respect of land in a part of Northern Ireland, but where a scheme applies only to producers registered in respect of land in a part of Northern Ireland it may impose requirements and conditions in relation to land in other parts.

(7) A scheme under this Article—

- (a) may contain such incidental and supplemental provisions as the Department may think fit; and
- (b) shall be a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 and subject to negative resolution.

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(8) In this Article—

“milk product” means cream, butter or cheese;

“milk quota” means—

- (a) in the case of a person registered in the direct sales register maintained under the 1984 Regulations, a direct sales quota registered as his in that register, and
- (b) in the case of a person registered in the wholesale register

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maintained under those regulations, a wholesale quota registered as his in that register;

“the reserve” means—

(a) in the case of a direct sales quota, the national direct sales reserve constituted under regulation 7(1) of the 1984 Regulations,

(b) in the case of a wholesale quota in respect of land in any region, the wholesale reserve created for the region under regulation 7(2)(b) of those Regulations,

or, in either case, any similar reserve created under any Community provision;

“registered milk producer” means a person registered in the direct sales register or a wholesale register maintained under the 1984 Regulations and “registered” shall be construed accordingly;

“the 1984 Regulations” means the Dairy Produce Quotas Regulations 1984. S.I. 1984/1047

Powers of entry, etc.

4.—(1) Where it is reasonably necessary for him to do so for the purpose of determining whether any person to whom a payment under Article 3 or any cessation payment has been made is involved or has a substantial financial interest in the production of milk (otherwise than as an employee), a duly authorised officer of the Department may at all reasonable times—

(a) enter on any land which is occupied by that person; and

(b) require any person who is or has been engaged in the production of milk to furnish any accounts or records in his possession or under his control to the officer for the purpose of allowing him to inspect them, to copy or take extracts from them or to remove them for a reasonable period.

(2) In this Article “cessation payment” means a payment made by the Department before the commencement of this Order for the purpose mentioned in Article 3(1).

Offences

5. Any person who—

(a) for the purpose of obtaining a payment under Article 3 for himself or any other person or retaining such a payment or any cessation payment (within the meaning of Article 4), knowingly or recklessly makes a statement which is false in a material particular, or

(b) intentionally obstructs any authorised officer acting under Article 4,

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shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

G. I. de Deney,
Clerk of the Privy Council

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is made only for purposes which correspond to those of sections 1 to 3 of the Milk (Cessation of Production) Act 1985. It provides for payments to be made to those who give up or reduce milk production.