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STATUTORY INSTRUMENTS

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**1993 No. 2665**

**The Agriculture (Northern Ireland) Order 1993**

**PART II**

**MILK MARKETING**

*Scheme of reorganisation*

**Procedure where scheme not one which ought to be approved**

7.—(1) This Article applies where, on an application by the Board under Article 5 for approval of a scheme of reorganisation, the Department is satisfied as mentioned in paragraph (2)(a) of Article 6, but is not satisfied as mentioned in paragraph (3)(a) of that Article.

(2) Where the Department is satisfied that the scheme is not capable of being modified so as to bring it within Article 6(3)(a), it shall refuse the application, but, before finally concluding that the application should be refused under this paragraph, it shall—

- (a) give the Board notice of the conclusions it proposes to reach about the scheme and of the reasons for them;
- (b) specify in the notice under sub-paragraph (a) a day, at least 28 days after the date of the notice, on or before which the Board may make written representations to the Department about those conclusions; and
- (c) take into consideration any representations made to it under sub-paragraph (b) or in response to an invitation by it to the Board to make oral representations about those conclusions.

(3) Where the Department is satisfied that the scheme is capable of being modified so as to bring it within Article 6(3)(a), it shall give the Board notice of—

- (a) the modifications which it considers would bring it within that provision;
- (b) the reasons for them; and
- (c) a day, at least 28 days after the date of the notice, on or before which the Board may respond to the proposed modifications.

(4) If, before the end of the period for responding to the proposed modifications, the Board gives the Department notice of its agreement to them, the application shall be treated as relating to the scheme with those modifications.

(5) If, at the end of the period for responding to the proposed modifications, the Board has not—

- (a) persuaded the Department that no modifications are required;
- (b) given the Department notice of its agreement to the proposed modifications; or
- (c) given the Department notice of proposed alternative modifications,

the Department shall refuse the application.

(6) Paragraphs (7) and (8) apply where, before the end of the period for responding to the proposed modifications, the Board gives the Department notice of proposed alternative modifications.

(7) If the Department is satisfied that the proposed alternative modifications would bring the scheme within Article 6(3)(a), it shall treat the application as relating to the scheme with those modifications.

(8) If the Department is not so satisfied, it shall refuse the application, but, before finally concluding that the application should be refused under this paragraph, it shall—

- (a) give the Board notice of the conclusion it proposes to reach about the proposed alternative modifications and of the reasons for it;
- (b) specify in the notice under sub-paragraph (a), a day, at least 28 days after the date of the notice, on or before which the Board may make written representations to the Department about that conclusion; and
- (c) take into consideration any representations made to it under sub-paragraph (b) or in response to an invitation by it to the Board to make oral representations about that conclusion.

(9) The Department may by notice to the Board extend (or further extend) as it thinks fit—

- (a) the period under paragraph (2)(b) for making representations;
- (b) the period under paragraph (3)(c) for responding to proposed modifications; or
- (c) the period under paragraph (8)(b) for making representations.