



# Milk (Cessation of Production) Act 1985

## 1985 CHAPTER 4

An Act to provide for payments to be made for the purpose of compensating persons, who are or have been registered in the direct sales register or a wholesale register maintained under the Dairy Produce Quotas Regulations 1984, for discontinuing or reducing milk production and to make provision in connection with payments to such persons whenever made. [11th March 1985]

BE IT ENACTED by the Queen'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:—

### **1 Payments to persons ceasing or reducing milk production.**

- (1) For the purpose of compensating persons who are or have been registered milk producers for discontinuing milk production, the Minister 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 Minister 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 Minister may prepare a scheme in accordance with which payments under subsections (1) and (2) above may be made; and such a scheme may make provision as to payments under one or both of those subsections.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A scheme under this section 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 section may—
- (a) impose such requirements and provide for payments under the scheme to be made subject to such conditions as the Minister 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 section may apply only to producers who are registered in respect of land in a part of Great Britain, but where a scheme applies only to producers registered in respect of land in a part of Great Britain it may impose requirements and conditions in relation to land in other parts.
- (7) A scheme under this section—
- (a) may contain such incidental and supplemental provisions as the Minister may think fit; and
  - (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
- " 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 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.

## **2 Powers of entry, etc.**

- (1) Where it is reasonably necessary for him to do so for the purpose of determining whether any person to whom a payment under section 1 above 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 Minister 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 section "cessation payment" means a payment made by the Minister before the commencement of this Act for the purpose mentioned in section 1(1) above.

### **3 Offences.**

(1) Any person who—

(a) for the purpose of obtaining a payment under section 1 above for himself or any other person or retaining such a payment or any cessation payment (within the meaning of section 2 above), knowingly or recklessly makes a statement which is false in a material particular, or

(b) intentionally obstructs any authorised officer acting under section 2 above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale within the meaning of section 75 of the Criminal Justice Act 1982.

(2) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

### **4 Financial provisions.**

(1) Any payments made by the Minister under section 1 above shall be paid out of money provided by Parliament.

(2) Any sum repaid under section 1(5)(b) above shall be paid into the Consolidated Fund.

### **5 Interpretation.**

In this Act "the Minister" means the Minister of Agriculture, Fisheries and Food or the Secretary of State.

### **6 Northern Ireland.**

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of sections 1 to 3 above—

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but

(b) shall be subject to annulment in pursuance of a resolution of either House.

### **7 Short title, commencement and extent.**

(1) This Act may be cited as the Milk (Cessation of Production) Act 1985.

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- (2) The provisions of this Act, other than section 6 above, shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (3) Subject to section 6 above, this Act does not extend to Northern Ireland.