
 S T A T U T O R Y I N S T R U M E N T S

1979 No. 249

AGRICULTURE

**The Milk Marketing Scheme (Amendment)
Regulations 1979**

<i>Made - - - -</i>	<i>6th March 1979</i>
<i>Laid before Parliament</i>	<i>14th March 1979</i>
<i>Coming into Operation</i>	<i>4th April 1979</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Economic Community, acting jointly, in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and extent

1. These regulations may be cited as the Milk Marketing Scheme (Amendment) Regulations 1979 and shall come into operation on 4th April 1979.

Amendment of the Milk Marketing Scheme

2. The Milk Marketing Scheme 1933^(c) shall be further amended by substituting for paragraph 66 thereof the following paragraph:—

“NEGOTIATION WITH PURCHASERS’ REPRESENTATIVES

66(1) A committee shall be established (hereinafter called ‘the Joint Committee’) which shall consist of members appointed by the Board and members appointed by the body established by buyers of milk and commonly known as the Dairy Trade Federation, provided that if in the opinion of the Minister that body has ceased to exist or has ceased to represent the views of buyers of milk, such last mentioned members shall be appointed by such other body or bodies as appear to the Minister to represent for the time being the views of the buyers of milk otherwise than by retail.

(2) The Joint Committee may appoint sub-committees consisting of one or more of their members and such other persons as the Joint Committee may appoint. Any such sub-committee may be empowered by the Joint Committee to consider any matters referred to it by the Joint Committee.

(3) The Joint Committee may appoint a Chairman who need not be one of their members.

(4) All questions to be decided by the Joint Committee shall be decided by resolution upon which the members appointed by the Board and the members appointed by the Dairy Trade Federation or other body or bodies

(a) Designated by the European Communities (Designation) Order 1972—S.I. 1972/1811.

(b) 1972 c. 68.

(c) S.R. & O. 1933/789 which was amended by S.R. & O. 1936/767, 1937/228, 744, 1939/324; S.I. 1950/1029, 1955/946, 1969/1812, 1977/900.

aforesaid shall each collectively have one vote. The Committee shall not be taken to have agreed unless both such votes have been cast in the same direction.

(5) The parties represented in the Joint Committee shall negotiate the following matters:—

- (a) the description of milk to be sold by the Board;
- (b) the delivery of milk to be sold by the Board;
- (c) the terms on which milk is to be sold by the Board, including the prices thereof;
- (d) the amounts of any allowances to be made to buyers;
- (e) the classes of persons and premises to whom or in respect of which such allowances are to be made;
- (f) the conditions on which such allowances are to be made;
- (g) the arrangements for making milk available to buyers including the Board's processing and manufacturing enterprises, proposals for which shall be submitted to the Joint Committee by a sub-committee set up under the terms of sub-paragraph (2) of this paragraph.

(6) The Joint Committee may also discuss any other matters agreed by both parties to the Joint Committee to be of mutual interest to the Board and the Dairy Trade Federation, or other body or bodies aforesaid, and arising out of the Community obligations of the United Kingdom.

(7) If the Joint Committee are unable to agree upon any matter which is referred to in sub-paragraph (5) of this paragraph, either party may make a reference thereon to an Arbitration Panel. Such Panel shall consist of four members, namely a Chairman and three other members (although only three of the four members shall sit on any particular reference), appointed by the Joint Committee and shall include persons who, in the opinion of the Joint Committee or, failing agreement by the Joint Committee, in the opinion of the Minister, are qualified for appointment as having had experience and shown capacity in:

- (a) commerce, or
- (b) law, or
- (c) accountancy or economics.

If the Joint Committee fail to agree upon all or any of these persons, they shall be appointed by the Minister. This procedure of reference to the Arbitration Panel may be varied by agreement within the Joint Committee so that any matter of disagreement may be referred to a single arbitrator to be appointed from time to time by the Joint Committee. A decision of such Panel or of such single arbitrator shall be binding on the Joint Committee unless the Joint Committee agree not to accept it. This procedure may also be adopted subject to the agreement of both parties to the Joint Committee in relation to any matter raised under sub-paragraph (6) of this paragraph.

(8) The Joint Committee or, failing agreement, either of the parties represented in the Joint Committee may invite the Chairman or any other member of the Arbitration Panel to attend all or any of their meetings. If the two parties represented in the Joint Committee cannot agree on which member of the Arbitration Panel should be invited, then the Chairman of the Arbitration Panel shall decide. The Committee may also consult the

Chairman or any other member of the Arbitration Panel or seek his advice in relation to any matter which is referred to in sub-paragraph (5) of this paragraph or raised under sub-paragraph (6) of this paragraph, provided that, if the Chairman or any other member of the Arbitration Panel attends any meeting of the Joint Committee during discussion of a particular issue or is consulted by the Joint Committee thereon, he shall not sit on the Arbitration Panel if that issue is referred to the Arbitration Panel.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd March 1979.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

John Morris,
Secretary of State for Wales.

6th March 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which extend to England and Wales only, replace paragraph 66 of the Milk Marketing Scheme 1933, as amended (which provides for consultation by the Milk Marketing Board with the Dairy Trade Federation as to the Board's selling prices and related matters), with certain amendments made for the purpose of putting the Board and their milk purchasers on an equal footing when negotiating such prices. This is a requirement of Council Regulation (EEC) No. 1422/78 (OJ No. L171, 28.6.1978, p. 14), concerning the granting of certain special rights to milk producer organisations in the United Kingdom as provided for in Council Regulation (EEC) No. 804/68 (OJ No. L148, 28.6.1968, p. 13) as last amended by Council Regulation (EEC) No. 1421/78 (OJ No. L171, 28.6.1978, p. 12). The principal amendments made to paragraph 66 of the Scheme are:

- (1) The Scheme itself requires the establishment of a Joint Committee for the purpose of negotiation of the prices to be charged by the Board rather than leaving it to the Board to establish such a Committee as previously. It requires the Minister (defined as the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting in conjunction), rather than the Board, to be satisfied about the continuing ability of a body established by buyers of milk, at the moment the Dairy Trade Federation, to represent the views of buyers of milk otherwise than by retail. (Sub-paragraph (1));
- (2) Provision is made for the appointment of sub-committees and a Chairman by the Joint Committee. (Sub-paragraphs (2) and (3));
- (3) The Board are required to negotiate their selling prices and related matters with purchasers' representatives rather than simply consulting them about these matters, as previously. (Sub-paragraph (5));
- (4) Provision is made for the reference of any matter upon which the Joint Committee are unable to agree to an Arbitration Panel, consisting of a Chairman and three other independent persons, with relevant experience, appointed by the Joint Committee or failing their agreement by the Minister. Provision is also made to enable the Joint Committee to vary this procedure so that any matter of disagreement may be referred to a single arbitrator to be appointed by the Joint Committee from time to time. A decision of such panel or of such single arbitrator is binding on the Joint Committee unless the Joint Committee agree not to accept it. (Sub-paragraph (7));
- (5) Provision is made to enable the Joint Committee or either of the parties represented on that Committee to invite any member of the Arbitration Panel to attend meetings of the Joint Committee and to enable the Committee to consult any member of the Arbitration Panel. If any member of the Arbitration Panel has attended any meeting of the Joint Committee when a particular issue has been discussed or has been consulted on any particular issue, that member will not sit on the Arbitration Panel if that issue is referred to it. (Sub-paragraph (8)).

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