
 STATUTORY INSTRUMENTS

1981 No. 864

AGRICULTURE

The Agricultural Marketing Act 1958 and Milk Marketing Schemes (Amendment) Regulations 1981

<i>Made</i> - - - -	16th June 1981
<i>Laid before Parliament</i>	26th June 1981
<i>Coming into Operation</i>	17th July 1981

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 Agricultural Marketing Act 1958 and Milk Marketing Schemes (Amendment) Regulations 1981, shall come into operation on 17th July 1981 and shall apply to Great Britain.

Amendment of the Agricultural Marketing Act 1958

2. After section 41 of the Agricultural Marketing Act 1958(a) there shall be inserted—

“Polls
under
Article
3(1) of
Council
Regulation
(EEC)
No. 1422/78.
O.J.
No. L.171/14.

41A.—(1) If not less than 10 producers, not being disqualified producers, comprising at least 1 per cent of the producers who sell milk to a board administering any milk marketing scheme so request, the board shall cause a poll to be taken in accordance with the relevant polling rules on the question specified in Article 2(2) of Council Regulation (EEC) No. 1422/78 (that is, whether the voter agrees to the board's carrying on the activities and exercising the rights resulting from the Regulation) except where it is precluded from giving effect to the request by Article 3(2) of that Regulation.

(2) In this section, in relation to any milk marketing scheme—

“disqualified producers” means producers who are disqualified from requesting or taking part in a poll on the question referred to in this section by Article 3(1) of the Regulation referred to in this section; and

(a) Designated by the European Communities (Designation) Order 1972—S.I. 1972/1811.
 (b) 1972 c. 68, to which there are amendments not relevant to these Regulations.
 (c) 1958 c. 47, to which there are amendments not relevant to these Regulations.

“relevant polling rules” means, in addition to the rules in Article 2 of that Regulation, such rules in the scheme as relate to a poll on the question referred to in this section.

- (3) The board shall as soon as may be inform the Minister of Agriculture, Fisheries and Food and the Secretary of State of—
- (a) any valid request for a poll under this section, and
 - (b) the results of any such poll.”

Amendment of the Milk Marketing Schemes in England and Wales and Scotland

3. The Milk Marketing Scheme 1933(a), the Scottish Milk Marketing Scheme 1933(b), the Aberdeen and District Milk Marketing Scheme 1933(c) and the North of Scotland Milk Marketing Scheme 1934(d) shall be further amended as provided in Schedules 1, 2, 3 and 4 respectively to these Regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th June 1981.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries
and Food.

16th June 1981.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

(a) S.R. & O. 1933/789, amended by S.R. & O. 1936/767, 1937/228, 744, 1939/324; S.I. 1950/1029, 1955/946, 1969/1812, 1977/900, 1979/249, 1981/323.

(b) S.R. & O. 1933/479, amended by S.R. & O. 1934/645, 1437, 1935/691, 1246, 1937/624; S.I. 1950/2057, 1956/650, 1965/644, 2193, 1968/391, 1978/583, 1979/319, 1981/445.

(c) S.R. & O. 1934/309, amended by S.R. & O. 1939/600, 1940/129; S.I. 1950/2059, 1957/1843, 1964/672, 1967/1346, 1978/583, 1979/319, 1981/446.

(d) S.R. & O. 1934/703, amended by S.I. 1950/2058, 1957/2025, 1961/549, 1978/583, 1979/319, 1981/447.

Regulation 3

SCHEDULE 1

AMENDMENTS TO THE MILK MARKETING SCHEME 1933

The Milk Marketing Scheme 1933 shall be further amended as follows:—

(a) by inserting immediately after paragraph 43 thereof the following Part:

“PART IIIA. POLLS TAKEN UNDER SECTION 41A OF THE ACT OF 1958

43A. Any poll held under section 41A of the Act of 1958 shall be taken in accordance with the following provisions of this Part of this Scheme as read with paragraphs (4), (5) and (6) of Article 2 of the Council Regulation.

43B. The producers who are entitled to vote on the poll shall be those who on the qualifying date are registered under the Scheme administered by the Board but excluding any producer who has sent to the Board the declaration referred to in paragraph 69A(2) of the Scheme.

43C. —(1) The Minister shall appoint a person to be the returning officer for the purposes of the poll, whose remuneration and expenses shall be defrayed by the Board.

(2) The returning officer may by writing under his hand appoint any fit person or persons to be his deputy or deputies for all or any of the purposes of the poll.

(3) A deputy returning officer shall have all the powers and duties of the returning officer in relation to the matters in respect of which he is appointed to act as deputy.

(4) No member or servant of the Board and no producer shall be appointed as a returning officer or be appointed to be a deputy of the returning officer.

43D. The Board shall obtain and furnish to the returning officer a list of the names and addresses of the producers who are entitled under paragraph 43B to vote on the poll, and any other information he may require for the purposes of conducting the poll and drawing up the certificate referred to in paragraph 43F(2).

43E.—(1) The poll shall be conducted by post, and the returning officer shall, not later than the fourteenth day after the qualifying date, send a voting paper to every producer entitled to vote. In the event of the loss of a voting paper so sent, the returning officer may supply a duplicate voting paper.

(2) The voting paper shall be substantially in the form set out in the Fourth Schedule to the Scheme and only voting papers which are properly completed and which reach the office of the returning officer on or before 6 p.m. on the twenty-eighth day after the qualifying date shall be taken into account.

43F.—(1) The votes given on any poll shall be counted by the returning officer and his decision on any question arising with respect to a vote shall be final and conclusive.

(2) The returning officer shall draw up and deliver to the Board a certificate showing the result of the poll and including particulars of—

- the number of voting papers sent out by the returning officer and the number of producer votes and production votes represented by them;
- the number of valid voting papers received by him in due time and the number of producer votes and production votes represented by them;
- the number of voting papers received by him and declared not valid and the number of producer votes and production votes represented by them;
- the number of voting papers not returned and the number of producer votes and production votes represented by them; and
- the number of producer votes and production votes validly cast in favour of the question and against it respectively.

(3) The result of the poll as shown in the certificate given by the returning officer shall be declared at a meeting of the Board by the member acting as Chairman of that

meeting, and that certificate (or such part thereof as the Minister may determine) shall be published by the Board in such newspapers as the Board may think fit, or at the option of the Board, by sending a notice of the result to every producer who was invited to take part in the poll.

43G. In this Part of this Scheme—

- “the Council Regulation” means Council Regulation (EEC) No. 1422/78 concerning the granting of certain rights to milk producer organisations in the United Kingdom (O.J. No. L171, 28.6.78, p. 14);
 - “producer vote” and “production vote” have the meanings which they have in Article 2(4) of the Council Regulation; and
 - “qualifying date” means such date as shall be determined by the Minister.”
- (b) by substituting for the Heading “PART IV. POLLS” the Heading “PART IV. POLLS TAKEN OTHERWISE THAN UNDER SECTION 41A OF THE ACT OF 1958”.
- (c) by inserting after the Third Schedule thereof the following:—

“FOURTH SCHEDULE

FORM OF VOTING PAPER FOR EEC POLLS UNDER PART IIIA

THE MILK MARKETING BOARD

[Identification Number]

(1) The returning officer must fill in the name and address of the registered producer.

To (1)

A poll is being held under section 41A of the Agricultural Marketing Act 1958 on the following question, which is based on Article 2(2) of Council Regulation (EEC) No. 1422/78 to which voters must answer “YES” or “NO”:

Are you in agreement with maintaining the Milk Marketing Board carrying on the activities and exercising the rights resulting from Council Regulation (EEC) No. 1422/78?

(2) To record your vote mark X in the box of your choice.

(2) YES NO

NOTES—

(3) The returning officer must fill in the address to which the form is to be returned.

(i) The ballot is confidential as between the voter and the returning officer. You are not required to sign the ballot paper.

(4) The returning officer must fill in the twenty-eighth day after the qualifying date.

(ii) Your vote will be valid only if it is entered on this voting paper and reaches the returning officer at (3).....
on or before (4).....

(iii) Your vote counts as a single producer vote *and* as a multiple production vote. If you fail to return a vote, or if your voting paper is declared not valid by the returning officer for any reason, under Council Regulation (EEC) No. 1422/78 your producer vote will be disregarded and your production votes will be counted as negative votes.

(5) The returning officer must ensure that this date is on or before the fourteenth day after the qualifying date.

.....Returning Officer
.....Date (5)

Regulation 3

SCHEDULE 2

AMENDMENTS TO THE SCOTTISH MILK MARKETING SCHEME 1933

The Scottish Milk Marketing Scheme 1933 shall be further amended as follows—

(a) in subsection (6) of section 34, for the words “the Schedule” there shall be substituted the words “Schedule 1”;

(b) after section 34 there shall be inserted the following section:—

“34A. POLLS TAKEN IN ACCORDANCE WITH SECTION 41A OF THE AGRICULTURAL MARKETING ACT 1958.

(1) A poll under section 41A of the Agricultural Marketing Act 1958 shall be taken in accordance with the provisions of this section as read with paragraphs (4), (5) and (6) of Article 2 of Council Regulation (EEC) No. 1422/78.

(2) The returning officer shall be such person as the Minister may, on the application of the Board, appoint. The remuneration and expenses of the returning officer shall be defrayed by the Board.

(3) The returning officer may by writing under his hand appoint any fit person or persons to be his deputy or deputies for all or any of the purposes of the poll. A deputy returning officer shall have the powers and duties of the returning officer in relation to the matters in respect of which he is appointed to act as a deputy.

(4) No member or servant of the Board and no producer shall be appointed as a returning officer or be appointed to be a deputy of the returning officer.

(5) The Board shall obtain and furnish to the returning officer a list of the names and addresses of the registered producers who are entitled to vote in the poll and such other information as he may require for the purposes of conducting the poll and drawing up the certificate referred to in subsection (10) hereof.

(6) The producers who are entitled to vote shall be the producers who are registered on such day (hereinafter referred to as the “qualifying date”) as may be determined by the Minister, but excluding any producer who has sent to the Board the declaration referred to in section 30(11) of the Scheme.

(7) The poll shall be conducted by post and the returning officer shall, not later than the fourteenth day after the qualifying date, send a voting paper to every producer entitled to vote. In the event of the loss of a voting paper so sent the returning officer may supply a duplicate voting paper.

(8) The voting paper shall be substantially in the form set out in Schedule 2 hereto, and only voting papers which are properly completed and which reach the office of the returning officer on or before six p.m. on the twenty-eighth day after the qualifying date shall be taken into account.

(9) The votes cast in any poll shall be counted by the returning officer and his decision on any question arising with respect to any vote shall be final and conclusive.

(10) The returning officer shall draw up and deliver to the Board a certificate showing the result of the poll, and including particulars of

- the number of voting papers sent out by the returning officer and the number of producer and production votes represented by them;
- the number of valid voting papers received by him and the number of producer and production votes represented by them;
- the number of voting papers received by him and declared not valid and the number of producer and production votes represented by them;
- the number of voting papers not returned and the number of producer and production votes represented by them; and
- the number of producer votes and production votes cast in favour of the question and against it respectively.

(11) The result of the poll as shown in the certificate given by the returning officer shall be published in the Glasgow Herald, The Scotsman, the Courier and Advertiser, and such other newspaper as the Board may think fit.

(12) "Producer vote" and "production vote" have the meanings which they have in Article 2(4) of Council Regulation (EEC) No. 1422/78 concerning the granting of certain rights to milk producers' organisations in the United Kingdom (O.J. No. L171, 28.6.78, p. 14)";

(c) in the Schedule,

(i) for the word "SCHEDULE" there shall be substituted the words "SCHEDULE 1";

(ii) for the heading "Form of Voting Paper" there shall be substituted the heading "Form of Voting Paper for Statutory Polls under Section 34";

(d) after Schedule 1 there shall be inserted the following Schedule:—

"SCHEDULE 2

Form of voting paper for EEC polls under section 34A

THE SCOTTISH MILK MARKETING BOARD

[Identification Number]

To (1)

(1) The returning officer must fill in the name and address of the registered producer

A poll is being held under section 41A of the Agricultural Marketing Act 1958 on the following question, which is based on Article 2.2 of Council Regulation (EEC) No. 1422/78, to which voters must answer "YES" or "NO":—

Are you in agreement with maintaining the Scottish Milk Marketing Board carrying on the activities and exercising the rights resulting from Council Regulation (EEC) No. 1422/78?

(2) To record your vote mark X in the box of your choice.

(2) YES NO

NOTES--

(i) The ballot is confidential as between the voter and the returning officer. You are not required to sign the ballot paper.

(3) The returning officer must fill in the address to which the form is to be returned.

(ii) Your vote will be valid only if it is entered on this voting paper and reaches the returning officer at (3).....

.....
on or before (4).....

(4) The returning officer must fill in the twenty-eighth day after the qualifying date.

(iii) Your vote counts as a single producer vote *and* as a multiple production vote. If you fail to return a vote, or if your voting paper is declared not valid by the returning officer for any reason, under Council Regulation (EEC) No. 1422/78 your producer vote will be disregarded and your production votes will be counted as negative votes.

(5) The returning officer must ensure that this date is on or before the fourteenth day after the qualifying date.

.....Returning Officer

.....Date (5)

..

Regulation 3

SCHEDULE 3

AMENDMENTS TO THE ABERDEEN AND DISTRICT MILK MARKETING SCHEME 1933

The Aberdeen and District Milk Marketing Scheme 1933 shall be further amended by inserting after section 35 the following section:—

“35A. POLLS TAKEN IN ACCORDANCE WITH SECTION 41A OF THE AGRICULTURAL MARKETING ACT 1958

(1) A poll under section 41A of the Agricultural Marketing Act 1958 shall be taken in accordance with the provisions of this section as read with paragraphs (4), (5) and (6) of Article 2 of Council Regulation (EEC) No. 1422/78.

(2) The returning officer shall be such person as the Minister may, on the application of the Board, appoint. The remuneration and expenses of the returning officer shall be defrayed by the Board.

(3) The returning officer may by writing under his hand appoint any fit person or persons to be his deputy or deputies for all or any of the purposes of the poll. A deputy returning officer shall have the powers and duties of the returning officer in relation to the matters in respect of which he is appointed to act as a deputy.

(4) No member or servant of the Board and no producer shall be appointed as a returning officer or be appointed to be a deputy of the returning officer.

(5) The Board shall obtain and furnish to the returning officer a list of the names and addresses of the registered producers who are entitled to vote in the poll and such other information as he may require for the purposes of conducting the poll and drawing up the certificate referred to in subsection (10) hereof.

(6) The producers who are entitled to vote shall be the producers who are registered on such day (hereinafter referred to as the “qualifying date”) as may be determined by the Minister, but excluding any producer who has sent to the Board the declaration referred to in section 31(11) of the Scheme.

(7) The poll shall be conducted by post and the returning officer shall, not later than the fourteenth day after the qualifying date, send a voting paper to every producer entitled to vote. In the event of the loss of a voting paper so sent the returning officer may supply a duplicate voting paper.

(8) The voting paper shall be substantially in the form set out hereunder, and only voting papers which are properly completed and which reach the office of the returning officer on or before six p.m. on the twenty-eighth day after the qualifying date shall be taken into account.

(9) The votes cast in any poll shall be counted by the returning officer and his decision on any question arising with respect to any vote shall be final and conclusive.

(10) The returning officer shall draw up and deliver to the Board a certificate showing the result of the poll, and including particulars of

- the number of voting papers sent out by the returning officer and the number of producer and production votes represented by them;
- the number of valid voting papers received by him and the number of producer and production votes represented by them;
- the number of voting papers received by him and declared not valid and the number of producer and production votes represented by them;
- the number of voting papers not returned and the number of producer and production votes represented by them; and
- the number of producer votes and production votes cast in favour of the question and against it respectively.

(11) The result of the poll as shown in the certificate given by the returning officer shall be published in “The Aberdeen Press & Journal” and such other newspaper as the Board may think fit.

(12) "Producer vote" and "production vote" have the meanings which they have in Article 2(4) of Council Regulation (EEC) No. 1422/78 concerning the granting of certain rights to milk producers' organisations in the United Kingdom (O.J. No. L171, 28.6.78, p. 14).

FORM OF VOTING PAPER
ABERDEEN AND DISTRICT MILK MARKETING BOARD

[Identification Number]

To (1)

(1) The returning officer must fill in the name and address of the registered producer.

.....
A poll is being held under section 41A of the Agricultural Marketing Act 1958 on the following question, which is based on Article 2.2 of Council Regulation (EEC) No. 1422/78 to which voters must answer "YES" or "NO":—

Are you in agreement with maintaining the Aberdeen and District Milk Marketing Board carrying on the activities and exercising the rights resulting from Council Regulation (EEC) No. 1422/78?

(2) To record your vote mark X in the box of your choice.

(2) YES NO

NOTES—

(3) The returning officer must fill in the address to which the form is to be returned.

- (i) The ballot is confidential as between the voter and the returning officer. You are not required to sign the ballot paper.
- (ii) Your vote will be valid only if it is entered on this voting paper and reaches the returning officer at (3).....

(4) The returning officer must fill in the twenty-eighth day after the qualifying date.

- on or before (4).....
- (iii) Your vote counts as a single producer vote *and* as a multiple production vote. If you fail to return a vote, or if your voting paper is declared not valid by the returning officer for any reason, under Council Regulation (EEC) No. 1422/78 your producer vote will be disregarded and your production votes will be counted as negative votes.

(5) The returning officer must ensure that this date is on or before the fourteenth day after the qualifying date.

.....Returning Officer
.....Date (5)

Regulation 3

SCHEDULE 4

AMENDMENTS TO THE NORTH OF SCOTLAND MILK MARKETING SCHEME 1934

The North of Scotland Milk Marketing Scheme 1934 shall be further amended as follows:—

(a) after section 33 there shall be inserted the following section:—

“33A. POLLS TAKEN IN ACCORDANCE WITH SECTION 41A OF THE AGRICULTURAL MARKETING ACT 1958

(1) A poll under section 41A of the Agricultural Marketing Act 1958 shall be taken in accordance with the provisions of this section as read with paragraphs (4), (5) and (6) of Article 2 of Council Regulation (EEC) No. 1422/78.

(2) The returning officer shall be such person as the Minister may, on the application of the Board, appoint. The remuneration and expenses of the returning officer shall be defrayed by the Board.

(3) The returning officer may by writing under his hand appoint any fit person or persons to be his deputy or deputies for all or any of the purposes of the poll. A deputy returning officer shall have the powers and duties of the returning officer in relation to the matters in respect of which he is appointed to act as a deputy.

(4) No member or servant of the Board and no producer shall be appointed as a returning officer or be appointed to be a deputy of the returning officer.

(5) The Board shall obtain and furnish to the returning officer a list of the names and addresses of the registered producers who are entitled to vote in the poll and such other information as he may require for the purposes of conducting the poll and drawing up the certificate referred to in subsection (10) hereof.

(6) The producers who are entitled to vote shall be the producers who are registered on such day (hereinafter referred to as the “qualifying date”) as may be determined by the Minister, but excluding any producer who has sent to the Board the declaration referred to in section 28(11) of the Scheme.

(7) The poll shall be conducted by post and the returning officer shall, not later than the fourteenth day after the qualifying date, send a voting paper to every producer entitled to vote. In the event of the loss of a voting paper so sent the returning officer may supply a duplicate voting paper.

(8) The voting paper shall be substantially in the form set out in the Fourth Schedule hereto, and only voting papers which are properly completed and which reach the office of the returning officer on or before six p.m. on the twenty-eighth day after the qualifying date shall be taken into account.

(9) The votes cast in any poll shall be counted by the returning officer and his decision on any question arising with respect to any vote shall be final and conclusive.

(10) The returning officer shall draw up and deliver to the Board a certificate showing the result of the poll, and including particulars of

- the number of voting papers sent out by the returning officer and the number of producer and production votes represented by them;
- the number of valid voting papers received by him and the number of producer and production votes represented by them;
- the number of voting papers received by him and declared not valid and the number of producer and production votes represented by them;
- the number of voting papers not returned and the number of producer and production votes represented by them; and
- the number of producer votes and production votes cast in favour of the question and against it respectively.

(11) The result of the poll as shown in the certificate given by the returning officer shall be published in the "Inverness Courier", "Northern Times", "Northern Chronicle", "Ross-shire Journal", "John o'Groat Journal", "Nairnshire Telegraph", and such other newspaper as the Board may think fit.

(12) "Producer vote" and "production vote" have the meanings which they have in Article 2(4) of Council Regulation (EEC) No. 1422/78 concerning the granting of certain rights to milk producers' organisations in the United Kingdom (O.J. No. L171, 28.6.78, p. 14)";

(b) after the Third Schedule there shall be inserted the following Schedule:—

"FOURTH SCHEDULE

FORM OF VOTING PAPER FOR EEC POLLS UNDER SECTION 33A

THE NORTH OF SCOTLAND MILK MARKETING BOARD

[Identification Number]

(1) The returning officer must fill in the name and address of the registered producer. To (1)

.....
A poll is being held under section 41A of the Agricultural Marketing Act 1958 on the following question, which is based on Article 2.2 of Council Regulation (EEC) No. 1422/78 to which voters must answer "YES" or "NO":—

Are you in agreement with maintaining the North of Scotland Milk Marketing Board carrying on the activities and exercising the rights resulting from Council Regulation (EEC) No. 1422/78?

(2) To record your vote mark X in the box of your choice.

(2) YES NO

NOTES:—

(3) The returning officer must fill in the address to which the form is to be returned.

(i) The ballot is confidential as between the voter and the returning officer. You are not required to sign the ballot paper.
(ii) Your vote will be valid only if it is entered on this voting paper and reaches the returning officer at (3).....

(4) The returning officer must fill in the twenty-eighth day after the qualifying date.

on or before (4)

(iii) Your vote counts as a single producer vote *and* as a multiple production vote. If you fail to return a vote, or if your voting paper is declared not valid by the returning officer for any reason, under Council Regulation (EEC) No. 1422/78 your producer vote will be disregarded and your production votes will be counted as negative votes.

(5) The returning officer must ensure that this date is on or before the fourteenth day after the qualifying date.

.....Returning Officer

.....Date (5)

..

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to Great Britain and come into operation on 17th July 1981, implement provisions of Council Regulation (EEC) No. 1422/78 (O.J. No. L171, 28.6.78, p. 14) concerning the grant of special rights to Milk Marketing Boards. They insert a new section in the Agricultural Marketing Act 1958 and amend the Milk Marketing Schemes in England and Wales and Scotland to provide for the holding by a Milk Marketing Board of producer polls pursuant to the said Council Regulation on the question whether the voter agrees to the Board's carrying on the activities and exercising the rights resulting from the Regulation.

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