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 STATUTORY INSTRUMENTS
 

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## 1986 No. 83

## AGRICULTURE

**The Milk Marketing Scheme (Amendment) Order 1986**

*Made* - - - - - 15th January 1986

*Coming into Operation* 17th February 1986

Whereas the Milk Marketing Board duly submitted to the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales (hereinafter called "the Ministers") certain amendments of the Milk Marketing Scheme 1933(a), which amendments are set out in the Schedule hereto;

And whereas the Ministers are satisfied that the said amendments will conduce to the more efficient operation of the scheme;

Now, therefore, the Minister of Agriculture, Fisheries and Food, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred by section 2 of and Schedule 1 to the Agricultural Marketing Act 1958(b) and now vested in them(c) hereby make the following order:—

*Title*

1. This order may be cited as the Milk Marketing Scheme (Amendment) Order 1986.

*Amendment of the Milk Marketing Scheme 1933*

2. The amendments of the Milk Marketing Scheme 1933 which are set out in the Schedule to this order are hereby approved, and shall come into operation on 17th February 1986.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th January 1986.



*Michael Jopling,*  
Minister of Agriculture, Fisheries and Food.

*Nicholas Edwards,*  
Secretary of State for Wales.

15th January 1986.

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(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, 1981/323, 864, 1984/1330.

(b) 1958 c. 47.

(c) In the case of the Secretary of State for Wales, by virtue of S.I. 1969/388 and 1978/272.

## Article 2

## THE SCHEDULE

THE MILK MARKETING SCHEME 1933 SHALL BE FURTHER  
AMENDED AS FOLLOWS:

1. For paragraph 15(4) there shall be substituted the following paragraph:

“15(4). A voting paper shall not be deemed to be sufficiently completed and signed if the voter purports to vote for more candidates than there are vacancies, or if it is not signed by the registered producer or his agent, being an agent whose signature the Board have previously been authorised by the registered producer in writing to accept; except that the voting paper of a registered producer being a corporation aggregate may be signed by a member of the board of directors or other governing body of the corporation, or by its secretary or other permanent officer, and the voting paper of a registered producer being a partnership may be signed by one of the partners.”
2. For paragraph 16 there shall be substituted the following paragraph:

“16(1). At the election of a regional member of the Board, only those registered producers who produce milk within the region on the closing date for nominations shall be entitled to vote, and each of them shall have one vote; save that if more than one member is to be elected for the region each registered producer who produces milk within the region shall be entitled to the same number of votes as the number of members to be elected, so however that no registered producer shall give more than one vote to the same candidate.

(2) At an election of a special member of the Board all registered producers shall be entitled to vote and each of them shall have one vote.”
3. For paragraph 77(1)(c)(iii) there shall be substituted the following paragraph:

“(iii) knowingly makes a false statement in a voting paper sent to the returning officer under paragraph 43E(2);”
4. For paragraph 80 there shall be substituted the following paragraph:

“80. Not later than the twenty-first day before the day fixed for the holding of an annual general meeting, and not later than the fourteenth day before the day fixed for the holding of any other meeting of registered producers, the Board shall send to every registered producer who is entitled to vote at the meeting a proxy form and a notice stating—

  - (a) the time and place appointed for the holding of the meeting;
  - (b) the business to be transacted;
  - (c) the name of the chairman.”
5. For paragraph 83 there shall be substituted the following paragraph:

“83. At any meeting of registered producers the producers entitled to vote thereat may vote either personally or by proxy. The instrument appointing a proxy shall be in writing in such form as the Board may require, under the hand of the registered producer or his agent whose signature the Board have previously been authorised and requested by the registered producer in writing to accept, or, if the registered producer is a corporation aggregate, either under its seal or under the hand of a member of the Board of directors or other governing body of the corporation or of its secretary or other permanent officer. The said instrument and the authority (if any) under which it is signed (or a notarially certified copy thereof) shall be deposited with the board at such place as may be indicated in the form

not later than 6 pm on the third day before the day fixed for the meeting, and in default the instrument shall be treated as invalid. A proxy shall be entitled to participate in the meeting only to the extent necessary to enable him to exercise his right to vote and to demand a formal vote.

A proxy need not be a registered producer, but shall not be a person employed on the staff of the Board.”

6. For paragraph 84 there shall be substituted the following paragraph:

“84. Every question put before a meeting of registered producers shall be decided on a show of hands (a proxy may show his hand) unless, either before or immediately after the declaration of the result of the show of hands, a formal vote is demanded by the Board or by or on behalf of at least one third of those registered producers present in person or by proxy entitled to vote. On a formal vote the Board shall determine the form of the voting paper and shall cause to be sent to every registered producer or, in the case of a regional meeting, every registered producer in the region, along with the voting paper such directions for the guidance of registered producers in voting as they may determine. The voting paper shall be sent by post to the registered producers concerned as soon as practicable after the meeting at which the formal vote is demanded. The Board shall determine the last date for the receipt of completed voting papers, how the votes shall be counted, and the manner in which registered producers shall be informed of the result of the vote.”

7. For paragraph 85 there shall be substituted the following paragraph:

“85. On a show of hands and also on a formal vote every registered producer entitled to vote shall have one vote.”

8. Paragraph 86 shall be deleted.

9. For paragraph 88 there shall be substituted the following paragraph:

“88. At any meeting of registered producers the declaration of the chairman as to the result of any show of hands shall be final. In the event of an equality of votes, whether on a show of hands or on a formal vote, the chairman of the meeting at which the show of hands took place or at which a formal vote was demanded (as the case may require) shall be entitled to an additional or casting vote.”

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order approves further amendments of the Milk Marketing Scheme 1933 ("the Scheme"). The amendments—

- (a) revoke or modify, as appropriate, those provisions of the Scheme which relate the number of votes available to voters in elections to membership of the Milk Marketing Board to the number of milch cows in the voter's possession (paragraphs 15(4), 16, 77(1)(c)(iii), 80(d), 85 and 86);
- (b) modify the rules of procedure for meetings of registered producers by providing that proxies may not participate in the proceedings except for the purposes of voting and demanding a formal vote (paragraph 83);
- (c) change the rules as to voting at such meetings by extending the right to call for a formal vote to the Board (paragraph 84); and
- (d) modify the rules of procedure for such meetings so as to clarify the position in the event of an equality of votes (paragraph 88).

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