

1984 No. 423

AGRICULTURE

The Pigs Marketing Service Scheme (Approval) Order
(Northern Ireland) 1984

Made 7th December 1984

Coming into operation 31st December 1984

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The Department of Agriculture, in exercise of the powers conferred on it by Article 31(3) of the Agricultural Marketing (Northern Ireland) Order 1982(a) and of every other power enabling it in that behalf, on receipt of a Pigs Marketing Service Scheme from the Pigs Marketing Board (Northern Ireland) and having consulted that Board and representatives of the interests appearing to be directly affected by the Scheme, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Pigs Marketing Service Scheme (Approval) Order (Northern Ireland) 1984 and shall come into operation on 31st December 1984.

Marketing Service Scheme in respect of pigs

2. The Department of Agriculture approves the Pigs Marketing Service Scheme set out in the Schedule hereto which shall come into operation on 31st December 1984.

Sealed with the Official Seal of the Department of Agriculture on 7th December 1984.

(L.S.)

W. H. Parker

Assistant Secretary

(a) S.I. 1982/1080 (N.I. 12)

PIGS MARKETING SERVICE SCHEME (NORTHERN IRELAND) 1984

PART I

PRELIMINARY

1. This Scheme may be cited as the Pigs Marketing Service Scheme (Northern Ireland) 1984.
2. In this Scheme—
 - “the accounting date” means the date up to which in a particular financial year the income and expenditure account referred to in Article 23(3)(a) is to be prepared;
 - “authorised person” means a person authorised by the Board for the purposes of arranging and conducting the electing of members to the Board;
 - “the Board” means the Pigs Marketing Board (Northern Ireland);
 - “the Order” means the Agricultural Marketing (Northern Ireland) Order 1982;
 - “pig contract” means a contract for the sale to the Board of pigs;
 - “pig” means an animal of the genus *porcus* and includes the carcase and cuts thereof;
 - “Secretary” includes any person for the time being authorised by the Board to act as the Secretary;
 - “the specified product” means pigs;
 - “Subsidiary” has the meaning assigned to it by Section 148 of the Companies Act (Northern Ireland) 1960(a).

PART II

THE BOARD

Constitution

3. This Scheme shall be administered by the Board which shall continue in existence as a body corporate constituted under this Scheme.

Composition

4.—(1) The Board shall, as from the coming into operation of this Scheme, consist of the existing eleven members being three members appointed by the Head of the Department of Agriculture, the existing elected members for the Counties of Down, Fermanagh, Londonderry, Antrim, Armagh and Tyrone, and the two elected Regional members representing the whole of Northern Ireland.

(2) As the existing appointed members' terms of office expire they shall be replaced by members whom the elected members of the Board shall appoint. They shall be appointed as being persons so qualified as having had experience and shown capacity in commerce, finance, administration, public affairs or the organisation of workers, or as being specially conversant with the interests of consumers of the specified product. The Board shall during the period of three years from the day on which this Scheme comes into force ensure that the respective terms for which the appointed members are appointed shall be such that the term of office of one appointed member expires on 31st December each year. Thereafter the appointed members shall hold office for a term of three years. In the event of a casual vacancy the elected members may fill up such vacancy but so that the person appointed to fill the casual vacancy shall hold office only for the remainder of the term for which his predecessor had been appointed.

(3) An election of County members for the Counties of Down, Fermanagh and Londonderry and of one Regional member shall be held in 1985 and in every fourth calendar year thereafter, and an election of County members for the Counties of Antrim, Armagh and Tyrone and of one Regional member shall be held in 1987 and in every fourth calendar year thereafter. Election of members shall be held in June. Every elected member shall, subject to the provisions of this Scheme take office on the 1st July following his election and shall hold office until 30th June in the year in which the next election for his seat takes place. Provided that an election may be held at any time to fill a casual vacancy as prescribed in Article 6(1).

(4) Each County member shall be elected by the enrolled producers residing in the County for which the election is being held and entitled to vote under the Scheme; and Regional members shall be elected by the general body of enrolled producers in Northern Ireland entitled to vote under this Scheme.

(5) Members elected in respect of Counties shall be known as County members and for the purposes of the election of County members of the Board:—

- (a) that portion of the County Borough of Belfast which is to the west of the River Lagan shall be deemed to be part of the County of Antrim;
- (b) that portion of the County Borough of Belfast which is to the east of the River Lagan shall be deemed to be part of the County of Down; and
- (c) the County Borough of Londonderry shall be deemed to be part of the County of Londonderry.

Resignation of and removal from office

5.—(1) A member of the Board shall cease to hold office if he delivers to the Board a written resignation of his office and the resignation is accepted by the Board or, if not accepted, is not withdrawn within seven days.

(2) Any member of the Board who:—

- (a) if he is detained for more than seven days in any place under any enactment in force in any part of the United Kingdom relating to persons of unsound mind; or
- (b) if he is adjudged bankrupt or enters into a composition with his creditors; or
- (c) if the Board, by resolution, declares that he had been absent from six consecutive meetings of the Board without reasonable excuse; or
- (d) if the Board, by resolution, declares that he has failed without reasonable excuse to disclose information which he is required by Article 14(3) of this Scheme to disclose; or
- (e) if the Board, by resolution, declares that he has acted contrary to the interests of the Board;

shall thereby be disqualified from holding the office of member of the Board.

(3) A member of the Board shall not be eligible for employment by the Board under a contract of service provided however that this paragraph shall not prevent a member of the Board from receiving remuneration in his capacity as such member.

Co-option

6.—(1) If an elected member of the Board dies or ceases to hold office under Article 5, or if no candidate has been nominated for a vacancy to be filled at an election under Article 19, the Board shall either co-opt an enrolled producer in his place or hold within a period of six months an election as provided in Article 19, subject to any alterations in the procedure laid down in that Article, necessary for the purpose of holding the election to fill the vacancy provided that no action shall be required to fill any such vacancy which would not exceed six months.

(2) Any person so co-opted or elected shall, unless he dies or ceases to hold office as aforesaid, hold office until 30th June in the year in which the next election takes place for the seat to which he has been co-opted or elected.

Election of chairman and vice-chairman

7.—(1) The Board shall elect from among its members a chairman and vice-chairman who shall (provided they remain members of the Board) hold office for one year from 1st July. If the office of chairman or vice-chairman becomes vacant during the year from 1st July, the Board shall elect from among its members a chairman, or vice-chairman as the case may be, to hold office for the remainder of such year. An outgoing chairman or vice-chairman shall be eligible for re-election.

(2) If at any meeting of the Board neither the chairman nor the vice-chairman is present, those members of the Board who are present shall elect one of their number to be chairman of that meeting.

Appointment of committees

8.—(1) The Board may appoint committees out of its own number and regulate the duties of such committees.

A committee shall not hold office beyond the 30th June in the year in which the next election (other than an election to fill a casual vacancy) takes place and shall report their proceedings to, and obey any direction of the Board.

(2) The Board and every committee thereof shall, at all times, have power to act notwithstanding any vacancy among its members.

Proceedings

9.—(1) The quorum of the Board shall be five and the quorum of any committee thereof shall be such as the Board may from time to time determine.

(2) Questions arising at any meeting of the Board or a committee shall be decided by a majority of the votes of the members present and in the case of an equality of votes at such a meeting, the member acting as chairman shall have a second or casting vote. The Secretary, on the request of any three members of the Board or of the chairman, shall convene a meeting of the Board. A meeting shall be convened by notice in writing to all the members.

Minutes

10. Minutes shall be kept of the proceedings of the Board and of any committee thereof, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which they relate or of a meeting at which they were approved, be evidence of those proceedings, and the meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted.

The Seal

11. The Board shall have a common seal which shall not be applied to any document except by the authority of the Board and the application of the seal shall be attested by at least two members of the Board authorised in that behalf and by the Secretary.

Contracts (not under seal)

12. Contracts and instruments which would not in the case of a private person require to be under seal, may be entered into or executed on behalf of the Board by any person authorised in that behalf by the Board.

Staffing, accommodation and remuneration of members

13. The Board—

- (a) may employ such persons and on such terms and conditions as it thinks fit;
- (b) shall have an office at which communications and notices will at all times be received and shall notify the Department of the address thereof, and of any change in that address;
- (c) shall pay to any member of the Board such remuneration and allowances as have in its opinion been reasonably earned by such member in connection with the business of the Board, the total amount of the remuneration and allowances of the members of the Board having been approved by a majority of votes at an annual general meeting of enrolled producers for the ensuing year from 1st July provided that such remuneration and allowances shall in no case exceed that recommended by the Board;
- (d) shall allow to any member of the Board such sums as are reasonable in respect of travelling and other expenses which are expended in connection with the business of the Board.

Contracts (position regarding Board members)

14.—(1) A contract entered into by the Board shall not be avoided by reason only that a member of the Board is also a party thereto or is interested therein.

(2) A member of the Board shall not be liable to account to the Board for any profits realised by him out of any contract by reason only of the fact that the Board is also a party to such contract or is interested therein.

(3) A member of the Board shall forthwith disclose to the Board who shall forthwith cause the same to be recorded in a Register of Disclosures—

- (a) the date of his birth;

- (b) any interest which he has or acquires in any contract (other than a pig contract) to which the Board is a party or in which the Board has or acquires any interest; and
 - (c) any interest which he has or acquires in any other contract whatsoever, if such interest in any way conflicts with his duty as a member of the Board.
- (4) The Register of Disclosures shall be on hand at every meeting of the Board and at all general meetings.
- (5) A member of the Board shall not vote upon any question relating to any contract (other than a pig contract) to which he is party or in which he has any interest and if he so votes his vote shall not be counted.
- (6) All acts done at any meeting of the Board or a committee thereof shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or qualifications of a person purporting to be a member of the Board or the committee or that a member of the Board has voted upon any question upon which he was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

PART III

ROLL OF PRODUCERS

15.—(1) The Board shall keep a roll of producers and every person producing the specified product in Northern Ireland who has entered into one or more pig contracts shall be enrolled therein subject as provided in this Part.

(2) A person who immediately before the date on which this Scheme came into force was registered as a producer under the Pigs Marketing Scheme (Northern Ireland) 1933(a) and, during the period of 12 months immediately preceding that date, has:—

- (a) sold pigs to the Board; and
- (b) not given notice in writing to the Board that he no longer wishes to sell pigs to the Board;

shall on that date be enrolled as a producer under this Scheme.

16. The Board, on being satisfied that a producer who is enrolled has not sold any pigs to the Board during any year ending with the accounting date, shall remove his name from the roll.

17. The Board on being satisfied that a producer who is enrolled and who has entered into pig contracts has failed to fulfil two such contracts in succession, may remove his name from the roll.

PART IV

GENERAL MEETINGS

18.—(1) The Board shall, in each year, hold an annual general meeting to which all enrolled producers whose names appeared on the roll at the last accounting date shall be invited. Such a meeting shall be held within a period not exceeding one month of publication of the Board's Annual Report and Accounts and shall be held at such a place as the Board shall appoint. The business of the annual general meeting shall be to:—

- (a) receive the Annual Report and Accounts and the Auditors' Report;
- (b) fix the remuneration and allowances of members of the Board; and
- (c) appoint auditors.

(2) In addition to the meeting referred to in paragraph (1) the Board may hold in any year one or more than one extraordinary general meeting to which all enrolled producers whose names appeared on the roll at the last accounting date shall be invited. Such a meeting shall be convened if there is a request in writing to the Board from not less than one-tenth of all enrolled producers whose names appeared on the roll at the last accounting date or from not less than five members of the Board. Such request shall state the business to be transacted at the extraordinary general meeting and it shall not be competent for that meeting to deal with any other business.

(3) A meeting referred to in paragraph (1) or in paragraph (2) shall be called by 14 days notice in writing to all enrolled producers whose names appeared on the roll at the last accounting date. If it is not possible to meet the deadline above by giving postal notice then such notice may be validly given by advertisement in two or more newspapers circulating throughout Northern Ireland.

(4) The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the holding of that meeting. It shall not be necessary to give notice of any adjourned meeting.

(5) The quorum required for any general meeting shall be 25 enrolled producers whose names appeared on the roll at the last accounting date and who are present in person. If within one hour from the time appointed for the meeting a quorum is not present and therefore business has not commenced then the meeting shall stand adjourned to the office of the Board at the same time and for a date one week following the date for which the meeting was convened or if the date to which the meeting would be so adjourned is not a working day then to the first working day after the last mentioned date. At the adjourned meeting the enrolled producers present whose names appeared on the roll at the last accounting date shall constitute a quorum. If when a meeting proceeds to business a quorum is present the meeting may continue regardless of whether a quorum later ceases to be present.

(6) The chairman of the Board, or in his absence the vice-chairman of the Board, shall preside at every general meeting at which he is present. If neither the chairman nor the vice-chairman is present at the meeting then the members of the Board so present shall elect one of their number to preside at the meeting. If no person can be found in accordance with the foregoing procedure to preside at the meeting then the enrolled producers present at the meeting and qualified to vote shall elect one of their number to preside.

(7) At any general meeting a resolution put to the vote shall be decided by the showing of voting cards; every enrolled producer present in person and whose name appeared on the roll at the last accounting date having one vote. An enrolled producer being a corporation aggregate or partnership shall be treated as a single producer and accordingly shall have one vote only. Postal voting or voting by proxy shall not be permitted at general meetings.

(8) Where there is an equality of votes at a general meeting the chairman of the meeting shall have a second or casting vote.

(9) Each enrolled producer entitled to vote shall—

- (a) receive a voting card with the notice convening every general meeting; or
- (b) have a voting card made available for collection at any general meeting.

PART V

ELECTIONS

19.—(1) The Board shall arrange, or appoint an authorised person to arrange, elections in accordance with this Scheme—

- (a) the Board, or such authorised person shall publish notice of the election, the address at which the Board, or such authorised person, shall receive nominations and the time and date (hereinafter referred to as “the closing date for nominations”) up to which the Board or such authorised person shall accept nominations;
- (b) the period between the publication as aforesaid and the closing date for nominations shall be not less than 15 days;
- (c) nominations must reach the Board or such authorised person not later than 5 p.m. on such day in April of the year in which the election is to be held as the Board or such authorised person shall specify;
- (d) no person shall be eligible for election as a member of the Board unless he has been duly nominated in accordance with the provisions of this paragraph;
- (e) a candidate for election shall be nominated in writing by two enrolled producers as proposer and seconder and by at least six other enrolled producers as assenting to the nomination. The nomination shall be sent by registered post or recorded delivery to the Board or such authorised person at the address specified or delivered by hand to the address specified in which case a receipt shall be given to the person delivering it. A candidate for election shall be entitled to check with the Secretary of the Board that the

persons whom he wishes to be his proposer, seconder and assenters are enrolled producers whose names appeared on the roll of producers at the last accounting date;

- (f) the proposers, seconders and assenters must be enrolled producers whose names appeared on the roll of producers at the last accounting date. The proposer, seconder and assenters to the nomination of a candidate for election for a County vacancy shall be enrolled producers residing within the County for which the candidate is nominated;
- (g) each nomination shall be accompanied by an assent signed by the candidate that he is willing to act if elected. If the candidate will on or before the closing date for nominations have attained the age of 70 years then such assent must state the candidate's date of birth;
- (h) the proposal, seconding or assenting by an enrolled 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 and the proposal, seconding or assenting by an enrolled producer being a partnership may be signed by one of the partners. The Board shall be entitled to assume that any proposal, seconding or assenting which purports to have been signed in accordance with the preceding provisions of this paragraph has been validly signed;
- (i) a candidate may withdraw his candidature by sending to the Board or such authorised person, at the address specified, by registered post or recorded delivery or by delivering by hand a notice in writing of such withdrawal signed by him; such notice must reach the Board or such authorised person not later than 12 days after the closing date for nominations;
- (j) where there is only one candidate for a vacancy nominated for election such candidate shall be declared duly elected;
- (k) where the number of candidates nominated for election exceeds the number of vacancies the Board or such authorised person shall hold an election as provided for in this Article;
- (l) a person may not at any one election be a candidate for election as both a County member and a Regional member or as a member for more than one County. A member of the Board whose term of office does not expire before the first day of July in the year in which an election is held may not be a candidate for any vacancy in that election unless before the closing date for nominations he delivers to the Board his written resignation therefrom in accordance with Article 5(1) to take effect before the said first day of July and does not withdraw such resignation;
- (m) a candidate shall be debarred from election to the Board and his candidature shall be declared void—
 - (i) if he is or has been adjudged bankrupt or enters or has entered into a composition with his creditors, or
 - (ii) if he has been detained for more than seven days in any place under any enactment in force in any part of the United Kingdom relating to persons of unsound mind, or
 - (iii) if he has been disqualified from holding the office of member of the Board under Article 5(2)(c), (d) or (e).

(2) Not later than the first Wednesday in June in the year in which the election is to be held, the Board or such authorised person shall send a voting paper to every producer who is entitled to vote in accordance with Article 4 and whose name appeared on the last accounting date in the roll of producers, provided that any person who is enrolled as a producer at that date and is found before the votes are counted not to have been a producer shall be deemed not to have been eligible for enrolment nor to have been enrolled. Such voting paper shall state the date of birth of every candidate who on or before the closing date for nominations had attained the age of 70 years.

(3) The voting paper shall specify the time and date by which it must be received by the Board or such authorised person; a voting paper shall not be counted by the Board or such authorised person unless it is properly completed and posted or delivered so as to reach the Board or such authorised person not later than the specified time and date.

(4) A voting paper shall not be taken into account if the voter purports to vote for more candidates than there are vacancies or if the voting paper is not signed by the enrolled producer.

(5) The voting paper of an enrolled 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 and the voting paper of an enrolled producer being a partnership may be signed by one of the partners; the Board shall be entitled to assume that any voting paper which purports to have been signed in accordance with the preceding provisions of this paragraph has been validly signed.

(6) The Board or such authorised person shall appoint such person or persons as it thinks fit to count the votes and to give to the Board, not later than the 27th June in the year in which an election is held, a certificate stating the result of the election and declaring to be elected the candidate or those candidates (as the case may require) who receive the most votes.

(7) Each candidate or his representative may be present at the counting of the votes.

(8) The result of an election shall be published by the Board in such manner as it thinks fit as soon as possible after the result of the election has been declared.

PART VI

FINANCIAL PROVISIONS

20. There shall be established a fund (in this Scheme referred to as "the fund") which shall be administered and controlled by the Board. All moneys received by the Board shall be paid into the fund and any moneys required by the Board either for the operation of the Scheme or otherwise for the purposes of the Order in its application to this Scheme shall be paid out of the fund. Any moneys for the time being standing to the credit of the fund may be left on current or deposit account in any bank or invested in securities in which a trustee might lawfully invest trust moneys under any of the powers of the Trustee Acts (Northern Ireland) 1958(a) and 1962(b) as extended or amended by any enactments for the time being in force in Northern Ireland, but the Board shall not be subject to any of the obligations imposed by the said Acts.

21. Any moneys standing to the credit of the fund which in the opinion of the Board are not required for the operation of this Scheme or otherwise for the purposes of the Order shall be distributed for the benefit of the pig producing industry in such manner as the Board considers equitable and practicable and is approved by the enrolled producers in general meeting.

22.—(1) The Board may, for the purpose of exercising its functions under this Scheme, borrow money in such manner, on such terms and on such security as may be arranged by the Board with the person from whom the money is borrowed.

(2) The Board may, in any case where a loan or grant is proposed to be made to it, agree with the person proposing to make the loan or grant as the case may be, and, in the case of a loan, with any person proposing to guarantee the repayment thereof, that if the loan or grant is duly made or the guarantee duly given, the Board will apply the money obtained by it by means of the loan or grant subject to such conditions (including conditions as to the persons on whose advice the Board is to act in applying the said money) as may be specified in the agreement and it shall be the duty of the Board to carry into effect any such agreement entered into by it.

23.—(1) The Board shall —

(a) keep accounts with respect to the transactions of the fund and its assets and liabilities; and

(b) maintain a satisfactory system of control of the accounts of the fund, its cash holdings and all its receipts and remittances.

(2) For the purposes of sub-paragraph (a) of paragraph (1), proper accounts shall not be taken to be kept with respect to the matters mentioned in that sub-paragraph if there are not kept such accounts as are necessary to give a true and fair view of the state of the affairs of the fund and to explain its transactions.

(3) The Board shall cause to be prepared as respects the fund—

(a) an income and expenditure account for the period 31st December 1984 to 28th December 1985 and thereafter for periods of 52 weeks or 53 weeks ending on the Saturday immediately following the 28th December in each year; and

(b) a balance sheet as at the end of each of the periods referred to in sub-paragraph (a).

(a) 1958 c. 23 (N.I.)

(b) 1962 c. 10 (N.I.)

(4) Every account shall give a true and fair view of the income and expenditure of the fund for the year to which the account relates.

(5) Every balance sheet shall give a true and fair view as at the date of the balance sheet of the state of the affairs of the fund.

(6) Every balance sheet shall be signed on behalf of the Board by any two members of the Board authorised by the Board for that purpose.

(7) The Board shall cause every account and balance sheet to be audited subject to necessary modifications as if they were accounts and balance sheet of a public company being audited in accordance with the provisions of sections 155 and 156 of the Companies Act (Northern Ireland) 1960(a).

(8) A copy of every account and balance sheet shall be furnished to the Department and every enrolled producer whose name appeared on the roll at the last accounting date together with an annual statement in accordance with Schedule 3 of the Order and a statement of the manner in which the moneys of the Board are invested.

(9) There shall be annexed to every copy of each account and balance sheet furnished to the Department and every enrolled producer—

(a) a copy of the auditors' report; and

(b) a copy of the annual report of the Board with respect to the state of the Board's affairs, and the transactions of the fund; such report shall state the total number of enrolled producers as at the accounting date in the year to which the report relates.

(10) The annual report and accounts referred to in paragraph (9) shall include a consolidated statement of assets and liabilities and a consolidated statement of profits and losses of all subsidiary companies together with the auditors' report thereon.

24. The Board shall, on the demand of any person and on payment by him of such reasonable fee (if any) as may be determined by the Board from time to time, furnish to him a copy of the last published balance sheet of the Board.

PART VII

PRINCIPAL POWERS OF THE BOARD

25. The Board may—

(a) buy the specified product or goods wholly or partly manufactured or derived from that product, produce goods wholly or partly manufactured or derived from that product and sell, grade, pack, store, adapt for sale, insure, advertise, promote the sale of and transport the specified product and any goods so bought or produced by the Board provided that in any period of 2 years at least one half of the specified product bought by the Board is bought from enrolled producers;

(b) manufacture or acquire and sell or let for hire to enrolled producers and other persons anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of the specified product;

(c) render to enrolled producers and other persons on payment or otherwise, any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of the specified product or any goods an ingredient of which is derived from that product;

(d) co-operate with any other person in doing anything which the Board is or might be empowered to do by virtue of any of the foregoing provisions of this Article;

(e) do anything calculated to procure, promote or facilitate the doing by any other person of anything in the doing of which the Board is or might be empowered to co-operate by virtue of paragraph (d) of this Article;

(f) regulate the manner in which the specified product to be sold to the Board or any description or quantity thereof is to be graded by or on behalf of enrolled producers or the manner in which such specified product or any description or quantity thereof is to

(a) 1960 c. 22 (N.I.)

be marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of enrolled producers;

- (g) without prejudice to any functions of the Department under section 5 of the Agriculture Act (Northern Ireland) 1949(a), encourage, promote or conduct agricultural co-operation, research and education;
- (h) acquire, hold and dispose of securities in and arrange for the formation of a body corporate one of whose objects is to do anything which the Board is or might be empowered to do by virtue of paragraphs (a), (b) or (c) of this Article and exercise as the Board may think fit any powers exercisable by it in relation to the appointment of directors of any such body corporate;
- (i) do such other things as appear to the Board to be complementary or supplementary to anything which the Board is or might be empowered to do by virtue of any of the foregoing provisions of this Article;
- (j) pay on account or lend to any enrolled producer a portion of the amount which the Board estimates that he will receive from the sale of any quantity of the specified product produced or in course of production or held in store by him.

PART VIII

SUBSTITUTIONAL SCHEMES AND AMENDMENT AND REVOCATION OF SCHEMES

26.—(1) For the purposes of Articles 33 and 34 of the Order—

- (a) “published in the prescribed manner” shall mean sent in the manner specified in Article 29 of this Scheme or published in two or more newspapers circulating throughout Northern Ireland;
- (b) “the prescribed period” shall mean a period of four weeks;
- (c) “the prescribed proportion” shall mean 10% of the total number of the enrolled producers shown by the last published report of the Board at the time of the demanding of the poll;
- (d) “made to the Board in the prescribed manner” referred to in paragraph 1(1) of Schedule 5 shall mean in writing and either sent by post to the Board or left at the offices of the Board;
- (e) the period referred to in head (b) of paragraph 1(1) of Schedule 5 of the Order shall be the financial year up to the last accounting date prior to the demanding of the poll;
- (f) the prescribed period referred to in paragraph 1(2) of Schedule 5 of the Order shall be two years.

(2) The period referred to in the definition of “requisite majority” in Article 2(2) of the Order in relation to a poll of enrolled producers shall be the financial year up to the last accounting date at the time of the demanding of the poll.

(3) Where, under any pig contract, the period allowed for the delivery of any pigs does not fall wholly within a financial year, those pigs shall be deemed to have been sold for delivery on the first day of the period allowed by the pig contract for the delivery thereof.

PART IX

THE TAKING OF POLLS

27. Polls shall be taken for the purposes of the Order in the following manner—

- (a) the Board shall cause to be sent to every enrolled producer whose name appeared on the roll at the last accounting date prior to the demanding of the poll a voting paper specifying the time and date by which such voting paper, duly signed, must be received by the Board if it is to be taken into account in the poll. Such voting paper shall also state the quantity of the specified product which, according to the records of the Board, has been sold by the enrolled producer concerned to the Board during the financial year ending with the last accounting date. Where, under any pig contract, the period allowed

for the delivery of any pigs does not fall wholly within a financial year, those pigs shall, for the purpose of this Article, be deemed to have been sold for delivery on the first day of the period allowed by the pig contract for the delivery thereof;

- (b) the voting paper of an enrolled 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 and the voting paper of an enrolled producer being a partnership may be signed by one of the partners; the Board shall be entitled to assume that any voting paper which purports to have been signed in accordance with the preceding provisions of this paragraph has been validly signed;
- (c) the Board shall appoint such person as it thinks fit to count the votes and to give to the Board a certificate stating the result of the poll;
- (d) the result of the poll shall be declared by the Board and published once in the Belfast Gazette and once in each of at least two newspapers circulating throughout Northern Ireland.

PART X

WINDING UP

28.—(1) Part IX of the Companies Act (Northern Ireland) 1960 (which contains provisions for the winding up of unregistered companies) shall apply in relation to the Board, subject to the modifications set out in paragraph 5 of Schedule 6 of the Order.

(2) Contributions under sub-paragraph 5(5) of Schedule 6 of the Order shall be assessed by the Board proportionately to the total number of pigs (if any) sold to the Board by each contributor at any time during the relevant period and shall not in any case exceed 25p per pig. Where under any pig contract the period allowed for the delivery of any pigs does not fall wholly within the relevant period, those pigs shall, for the purpose of this Article, be deemed to have been sold for delivery on the first day of the period allowed by the pig contract for the delivery thereof.

PART XI

MISCELLANEOUS

Dispatch of documents

29. Any requirement of this Scheme that a document shall be sent to a person by the Board or an authorised person shall be deemed to have been complied with if, within the period (if any) limited for the sending of the document the document is dispatched to that person by unregistered post, properly addressed and with the postage prepaid.

Rights of personal representatives

30. Where by reason of an enrolled producer dying or becoming subject to some legal disability or entering into a composition or scheme of arrangement with his creditors any property in or control of the specified product is transferred from the enrolled producer to a personal representative, trustee, assignee, committee or other person, the personal representative, trustee, assignee, committee, or other person as the case may be shall in such circumstances and in respect of the pig contracts entered into by that enrolled producer, be deemed to be an enrolled producer.

Confidentiality of records

31. The records of the Board shall be confidential and the information contained therein shall not without due cause be disclosed by any person, save as authorised or required by the Scheme or by statute or by resolution of the Board, provided however that this prohibition shall not apply to the disclosure of information to the Department nor to the disclosure to a producer of information concerning his transactions with the Board.

EXPLANATORY NOTE

(This note is not part of the Order.)

The Scheme made under this Order provides for the continued existence of the Pigs Marketing Board (Northern Ireland) in a form which is compatible with EC Law.

The Scheme provides for the Board to consist of elected and appointed members. The principal powers of the Board are set out. Provision is made for the Board to keep a roll of producers who contract to sell their pigs to the Board, general meetings of enrolled producers, elections to the Board and for dealing with the Board's financial affairs.

The Scheme provides for the manner in which it may be amended, revoked or replaced by a new Scheme. The taking of polls of enrolled producers is also provided for as is the winding up of the Board.