



Jersey

# **MILK MARKETING SCHEME (APPROVAL) (JERSEY) ACT 1954**

## **Official Consolidated Version**

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# **MILK MARKETING SCHEME (APPROVAL) (JERSEY) ACT 1954**

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Jersey

## **MILK MARKETING SCHEME (APPROVAL) (JERSEY) ACT 1954<sup>1</sup>**

**THE STATES**, in pursuance of Article 2(6) of the [Agricultural Marketing \(Jersey\) Law 1953](#), have made the following Act –

Commencement [\[see endnotes\]](#)

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**1**

The Milk Marketing Scheme set out in the Schedule to this Act is approved.

**2**

This Act may be cited as the Milk Marketing Scheme (Approval) (Jersey) Act 1954.

## SCHEDULE

### MILK MARKETING SCHEME

under the [Agricultural Marketing \(Jersey\) Law 1953](#)

#### PART 1

#### PRELIMINARY

1

This Scheme may be cited as the Milk Marketing Scheme 1954, and applies to the Island of Jersey.

2

- (1) In this Scheme, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them, that is to say –

“Law” means the [Agricultural Marketing \(Jersey\) Law 1953](#);

“milch cow” means a cow kept for milking purposes whether dry or in milk, but does not include a heifer which has never calved;

“milk” means cow’s milk produced in Jersey;

“milk product” means any article wholly or partly manufactured or derived from milk;

“pot” means half a gallon;<sup>2</sup>

“prescriptive resolution” means a resolution of the Board embodying a determination of the Board and which is recorded in the record provided for in paragraph 60 of this Scheme;

“producer” means a person who is a producer of milk or who is a producer of milk and any milk product;

“registered” means registered under the provisions of the Law for the purposes of this Scheme and “registration” shall be construed accordingly;

“regulated produce” means milk or any milk product;

“Secretary” includes any person for the time being authorized by the Board to act as its Secretary.

- (2) The [Interpretation \(Jersey\) Law 1954](#), applies to the interpretation of this Scheme as it applies to the interpretation of an enactment.

**PART 2****THE BOARD****3**

The Board to administer this Scheme shall be called the Jersey Milk Marketing Board, and is hereinafter in this Scheme referred to as the “Board”.

**4**

Subject to the provisions of this Scheme as to the filling of casual vacancies, the Board shall consist of 9 members elected by the registered producers and of 4 persons appointed by the Minister.<sup>3</sup>

**5**

The Board –

- (1) shall elect from amongst its members a chairman and vice-chairman, both of whom shall (provided that they remain members of the Board) hold office until the expiration of the day on which the next election of elected members of the Board takes place;
- (2) may employ a secretary and such other officers, agents and servants as it thinks fit;
- (3) shall have an office at which communications and notices will at all times be received, and shall notify the Minister of the address of that office and of any change in that address;
- (4) may enter into such agreements, acquire such property and do such things as may, in its opinion, be necessary or desirable for the purposes of exercising any of its powers or performing any of its duties under this Scheme, and may sell or otherwise dispose of any property acquired by it which it does not need for such purposes.

**6**

The Board may pay to any member of the Board any such travelling and out-of-pocket expenses as have, in the opinion of the Board, been reasonably incurred by the member in connection with the business of the Board, and shall also pay to the members of the Board such remuneration (if any) as may be determined annually by the registered producers in general meeting.

**ELECTION OF MEMBERS****7**

An election of members shall be held each year on such day as the Board may fix during the 3 months immediately following the end of the Board’s financial year in each year. Each member so elected shall hold office until the end of the day on which the election of members is completed in the third calendar year after that in which the member was elected.

<sup>4</sup>**VACANCIES****8**

An elected member of the Board shall cease to hold office –

- (1) if the member delivers to the Board a written resignation of the member's office, and the resignation is accepted by the Board or, if not so accepted, is not withdrawn within 7 days;
- (2) if, under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), a delegate is appointed in relation to the member;<sup>5</sup>
- (3) if the member becomes bankrupt or enters into a composition or arrangement with the member's creditors or appoints an attorney without whom the member may not act in matters real or personal;
- (4) if the Board by resolution declares that the member has been absent without reasonable excuse from 4 consecutive meetings of the Board or from one half of the meetings held in any period of 6 months;
- (5) if the member is convicted of any offence under Article 23 of the Law; or
- (6) if the member ceases to be a registered producer.<sup>6</sup>

## 9

- (1) Where an elected member dies or ceases to hold office under paragraph 8, a new member shall be elected in the member's place at the next annual election of members and a new member so elected shall hold office until the time at which the first-mentioned member would regularly have retired.
- (2) Where such a vacancy occurs within 6 months after the date of the last annual election, the Board may co-opt any registered producer to fill that vacancy until the day of the next annual election.

## 10

A retiring member of the Board or a member who resigns his or her office shall be eligible for election or re-election.

## QUORUM

## 11

The quorum of the Board shall be 60% of its members for the time being, and the Board shall have power at all times to act notwithstanding any vacancy in its number.<sup>7</sup>

## EXECUTIVE COMMITTEE

## 12

- (1) The Board shall appoint from among its members an Executive Committee consisting of 5 members, 3 of whom shall be persons appointed by the Minister in pursuance of paragraph 4 and nominated by the Minister for membership of the Executive Committee; and the Board shall delegate to the Executive Committee all its functions under this Scheme except its functions under paragraphs 5, 7, 8, 9, 11, 13, 23, 25, 28, 33, 37, 41, 42, 43, 44 and 51.<sup>8</sup>
- (2) The quorum of the Executive Committee shall be 3.
- (3) The Board may appoint from among its members alternate members of the Executive Committee and a member of the Executive Committee may authorize any such

alternate member to attend meetings of the Executive Committee in the member's stead during the member's absence from Jersey or whenever the member is unable to act as a member of the Executive Committee and may delegate to any such alternate member the exercise on the member's behalf of all or any of the member's rights as a member of the Executive Committee, provided that any such authority shall be in writing and may be given in respect of a particular meeting or in respect of all meetings until the authority expires or is revoked.

## COMMITTEES

13

- (1) The Board may appoint Committees from among its members and, subject to the provisions of the Scheme with respect to the application of the Common Seal of the Board, may delegate to any Committee so appointed any of its powers except a power to impose penalties or a power in connection with the borrowing of money.
- (2) The quorum of every Committee of the Board (except the Executive Committee) shall be such number as the Board may fix for that Committee and every such Committee shall report its proceedings to the Board and shall comply with the directions of the Board and shall not hold office beyond the next election of elected members of the Board.

## MEETINGS

14

The Secretary shall convene a meeting of the Board on the request of the Chairman or of the Executive Committee or on the written request of a majority of members of the Board.<sup>9</sup>

15

Questions arising at any meeting of the Board or of a Committee thereof shall be decided by a majority of the votes of the members present and, if at any such meeting the votes are equally divided on any question, the Chairman of the meeting shall, for the purpose of deciding that question, have a second or casting vote.

16

All acts done at any meeting of the Board or of any Committee thereof shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or qualification of a person purporting to be a member of the Board or of the Committee, or that a member of the Board had voted upon any question upon which the member was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

17

Minutes shall be kept of the proceedings of the Board and of every Committee thereof, and any such minutes shall, if signed by a person purporting to have acted as Chairman of the meeting to which the minutes relate or of a meeting at which they were read, be evidence of the proceedings at the first mentioned meeting, and the meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted.

18



For the purpose of any proceedings a copy, purporting to be certified in writing by the Chairman or Vice-Chairman of the meeting or the Secretary of the Board to be a true copy of the minutes or of any part of the minutes of any meeting of the Board or of any Committee of the Board, shall be evidence of such proceedings of the said meeting as such minutes or part of the minutes purport to relate to, and until the contrary is proved, the meeting shall be presumed to have been regularly convened and constituted.

### **THE SEAL**

**19**

The Common Seal of the Board shall not be applied to any document authorized by the Executive Committee under its powers under paragraph 12 except by the authority of the Executive Committee, and the application of the Seal shall be attested by the Chairman, and at least one other member and by the Secretary of the Executive Committee; and, except as hereby provided, it shall not be applied to any document except by the authority of the Board, and the application of the Seal shall be attested by the Chairman, or Vice-Chairman, and at least one other member of the Board and by the Secretary.

### **CONTRACTS**

**20**

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person authorized by the Board in that behalf, either generally or specially.

**21**

No contract to which the Board is a party shall be avoided by reason only that a member of the Board is also a party thereto or is interested therein, and a member of the Board who is a party to or interested in such a contract shall not, by reason only that the person is a member of the Board, be liable to account to the Board for any profit realized by the member by reason of the contract; but a member of the Board must forthwith disclose to the Board any interest which the member has or acquires in any contract to which the Board is a party. If such interest in the opinion of the other members of the Board in any way conflicts with the member's duty as a member of the Board the member shall not vote upon any question relating to the contract and, if the member does vote, his or her vote shall not be counted:

Provided that a member of the Board shall not be precluding from voting on a question relating to the general policy of the Board with respect to any matter by reason only that the determination of that question will or may affect contracts which have been, or may thereafter be, entered into by the member with the Board.

## **PART 3**

### **FINANCIAL PROVISIONS**

**22**

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 for the operation of 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 any securities which the Board may think fit.

23

The Board may by resolution require every registered producer to contribute to the fund a sum not exceeding one penny in respect of every pot of milk delivered by the registered producer to the Board during such period as shall be prescribed in such resolution. Every such sum shall be recoverable by the Board as a civil debt.<sup>10</sup>

24

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

25

- (1) The Board shall keep proper accounts and in particular shall annually make out a balance sheet and either a profit and loss account or, if the Board does not trade for profit, an income and expenditure account, and shall cause them to be audited by a member, or firm of accountants containing a member, of the Institute of Chartered Accountants in England and Wales, the Society of Incorporated Accountants and Auditors, the Society of Accountants in Edinburgh, the Institute of Accountants and Actuaries in Glasgow, the Society of Accountants in Aberdeen, the Association of Certified and Corporate Accountants Limited or the Institute of Chartered Accountants in Ireland appointed by the registered producers in general meeting and, as soon as may be after the auditor has reported thereon, and in any case within 3 months from the close of the period covered by the profit and loss account or income and expenditure account, as the case may be, the Board shall furnish to the Minister and to every registered producer a copy of the account and balance sheet and of the report of the auditor thereon, and also a report by the Board as to the working of this Scheme in the period covered by the profit and loss or income and expenditure account together with a statement as to the manner in which any moneys of the Board have been invested.
- (2) The Board shall, on the demand of any person and on payment by the person of such fee, not exceeding £1, as may be fixed by the Board, furnish the person with a copy of any one of its balance sheets.<sup>11</sup>

26

A person or firm other than a retiring auditor or auditors shall not be capable of being appointed auditor or auditors by the registered producers in general meeting unless notice of intention to nominate that person or firm to the office has been given by a registered producer to the Secretary of the Board not later than the fourteenth day before the meeting.

## **PART 4**

### **PRINCIPAL POWERS OF THE BOARD**

27

The provisions of this Part and of paragraph 23 shall come into force at the expiration of the suspensory period, that is to say, at the expiration of a period of one month commencing on the date on which the result of the initial poll is declared to be favourable to the coming into force of this Scheme.

### **EXEMPTIONS**

**28**

There shall be exempt from the operation of this Part –

- (a) all sales of milk by a producer to any of the producer's farm or domestic servants for consumption in that servant's household; and
- (b) producers or sales of such classes or descriptions (if any) as may from time to time be determined by prescriptive resolution of the Board.

### **PROHIBITION OF SALES BY UNREGISTERED PRODUCERS**

**29**

Subject to the provisions of the Law with regard to existing contracts and to the provisions of this Part of this Scheme, a producer who is not a registered producer shall not sell any regulated produce either in Jersey or elsewhere.

### **GENERAL POWER TO REGULATE MARKETING**

**30**

Subject to the provisions of paragraph 28, the Board may regulate sales of any regulated produce by any registered producer by determining by prescriptive resolution all or any of the following matters, that is to say, the quality of such produce which may be sold, and the prices at, below or above which, and the terms on which, such produce may be sold by registered producers:

Provided that the Board shall at no time determine the price at, below or above which any regulated produce may be sold without having first invited the opinion of the Minister and given consideration to that opinion as communicated to the Board within 28 days of such invitation.

**31**

The Board may regulate the manner in which any regulated produce is to be graded, marked, stored, adapted or transported, for sale by or on behalf of registered producers.<sup>12</sup>

**32**

Subject to the provisions of paragraph 28, the Board may by prescriptive resolution require registered producers to sell any regulated produce, or such kind or description thereof as may from time to time be determined by the Board, only to or through the agency of the Board or to or through the agency of such persons as may be authorized by the Board for that purpose and, in such a case, the Board may determine the times at which, the days on which and the places at which delivery of such produce shall be made by registered producers or any of them.

**33**

If any registered producer contravenes any requirement made by the Board under paragraph 30, 31 or 32, the Board shall, subject to the provisions of paragraph 41, by resolution impose upon and recover from the registered producer such monetary penalty as the Board thinks just.<sup>13</sup>

### MISCELLANEOUS POWERS

**34**

The Board may –

- (1) buy any regulated produce;
- (2) produce from milk any products or by-products;
- (3) sell, grade, pack, store, adapt for sale, insure, advertise and transport any regulated produce;
- (4) buy and sell or let for hire to any registered producer, anything required, and to be utilized by the registered producer wholly or mainly, for the production, adaptation for sale or sale of any regulated produce;
- (5) co-operate with any other person in doing any of the things which the Board is empowered to do by virtue of the foregoing provisions of this paragraph;
- (6) encourage, promote or conduct schemes of co-operation among producers of any regulated produce, or research and education in connection with the production and marketing of any regulated produce.

### DISTRIBUTION AND CONTRIBUTION OF MONEYS

**35**

- (1) In any case where a registered producer is required to sell any regulated produce, or any kind or description thereof, only to or through the agency of the Board, or to or through the agency of such persons as may be authorized by the Board for that purpose, the Board shall ensure that the purchase price of that produce, or of that kind or description thereof, shall be paid to the registered producer not later than the twentieth day of the month next following the accounting period in which the regulated produce, or that kind or description thereof, was sold.
- (2) For the purposes of this paragraph, the Board shall, during the month of November in each year, fix the accounting periods (not being less than 12 in number) for the following year and shall notify all registered producers accordingly.<sup>14</sup>

**36**

- (1) The Board shall from time to time determine what proportion of profits (if any) made by the Board shall be retained in the fund and what proportion shall be distributed to the registered producers.
- (2) Whenever the Board shall determine that profits shall be distributed to the registered producers such distribution shall be made in proportion to the respective quantities of milk sold by individual registered producers during the period in which the profit was made.

**37**

When any trading loss is made by the Board, the Board may from time to time determine by prescriptive resolution that the amount of money so lost shall be contributed to the Board by the registered producers in proportion to the respective quantities of milk sold by individual registered producers during the period in which the loss was made and the amount to be so contributed by any registered producer shall be recoverable by the Board as a civil debt.

### **SURPLUS FUNDS**

**38**

The Board may set aside reserves and may utilise such reserves in the operation of this Scheme in such manner as the Board may think fit; but subject thereto any moneys standing to the credit of the fund which, in the opinion of the Board, are not distributable under the provisions of paragraph 36 after meeting the Board's administrative and other expenses and losses (if any) shall be distributed in such manner as may be determined by a resolution passed at a general meeting of registered producers.<sup>15</sup>

**39**

The Board may, whenever it considers it necessary for the operation of this Scheme so to do, serve on any registered producer a demand in writing requiring the registered producer to furnish to the Board such estimates, returns and other information relating to any regulated produce as may be specified in the demand and if, without reasonable excuse, the registered producer fails to comply with the demand, or if the registered producer knowingly makes any false statement in reply thereto, then, subject to the provisions of paragraph 41, the Board shall by resolution impose upon and recover from the registered producer such monetary penalty as the Board thinks just.<sup>16</sup>

**40**

Any person authorized in writing by the Board may, for the purpose of securing compliance with this Scheme, enter and inspect, at any reasonable time and on production of the person's authority, any part of the land or premises occupied by a registered producer (being a producer specified in the authority) which the person so authorized has reason to believe is used for producing or otherwise dealing with any regulated produce; and the registered producer shall afford reasonable facilities for such entry and inspection and for sampling. If any registered producer wilfully obstructs in the carrying out of the person's duties any person authorized under this paragraph, the Board shall, subject to the provisions of paragraph 41, by resolution impose upon and recover from that registered producer such monetary penalty as the Board thinks just.

### **PROVISIONS AS TO PENALTIES**

**41**

The following provisions shall have effect with respect to the imposition of penalties by the Board on registered producers under the foregoing provisions of this Part of this Scheme and with respect to the recovery of such penalties –

- (1) No penalty shall be so imposed in respect of any act or omission which constitutes an offence under any enactment other than the Law nor until the registered producer has had a reasonable opportunity of being heard by the Board;
- (2) No penalty shall exceed £25 for each offence or, in the case of a continuing offence, £25 together with a further £10 for each day on which the offence is continued;

- (3) Notice of the time and place of any such hearing and a written statement of the charge against the registered producer in question shall be served personally or by registered post on that producer at least 14 days before the hearing;
- (4) No penalty shall be imposed for any contravention which occurred more than one year before the serving of the written statement of the charge;
- (5) Where a written statement of a charge against a registered producer has been sent to or served on the registered producer as aforesaid and the charge is withdrawn or is not substantiated, the Board shall have power to make to the registered producer, in respect of the registered producer's costs in connection with the charge, such payment as may be determined by the Board;
- (6) Every penalty so imposed shall, subject as hereinafter provided, be recoverable by the Board as a civil debt;
- (7) Immediately on the passing of any resolution by the Board imposing a penalty, notice of the resolution shall be sent to the registered producer in question and the registered producer may, within one month from the day on which the notice was so sent to the registered producer, in writing require the Board to refer the matter to the Inferior Number of the Royal Court, and in such a case the Board shall so refer the matter. In any case where a matter is so referred, no proceedings shall be taken by the Board otherwise than for the purposes of the reference or of enforcing the award of the Court.<sup>17</sup>

## PART 5

### GENERAL MEETINGS OF REGISTERED PRODUCERS

#### 42

The Board may convene general meetings of registered producers at such places and times as it may determine and the Board shall convene a general meeting of registered producers to be held within 15 days of delivery to the office of the Board of a requisition, signed by not less than 25 registered producers, stating clearly the purpose for which the meeting is to be convened.

#### 43

The chairman of every meeting of registered producers shall be appointed by the Board:

Provided that if the person appointed by the Board to be chairman is not present within 15 minutes after the time appointed for the holding of the meeting those members of the Board present shall choose a chairman.

#### 44

- (1) At least 10 days before the day fixed for the holding of a meeting of registered producers, the Board shall send to every registered producer who is entitled to vote at the meeting a written notice stating:
  - (a) the time and place appointed for the holding of the meeting;
  - (b) the business to be transacted;
  - (c) in the case of a general meeting at which an election is to take place that nominations of candidates must be received at the office of the Board 6 clear days before the date of the meeting.

- (2) A list of the names and addresses of candidates duly nominated shall be published before the date of the meeting in the Jersey Gazette, and shall also be posted in a conspicuous position inside the office of the Board throughout the 3 days immediately preceding the date of the meeting.<sup>18</sup>

45

All nominations shall be made in the following form or in such other form as the Board may accept or determine –

“To the Secretary,

The Jersey Milk Marketing Board.

SIR,

I (name of proposer)..... of  
(address).....  
propose and I (name of seconder)..... of  
(address).....  
second the nomination of ..... (name of candidate)  
..... of  
(address).....  
to be a member of the Board.

Signature of proposer.....  
and seconder.....

I (name of candidate) .....  
accept the above nomination.

Signature.....

Date.....”.

46

At a meeting of registered producers no business shall be transacted other than the business of which notice has been given as aforesaid by the Board.

47

- (1) At any meeting of registered producers, the producers entitled to vote thereat may vote either personally or, if reasonably unable to attend the meeting by reason of illness or physical disability or absence from Jersey, by proxy. The instrument appointing a proxy shall be in writing in such form as the Board may require. The said instrument shall be deposited at the office of the Board not later than the end of the third day before the date of the meeting, failing which the instrument shall be invalid.<sup>19</sup>
- (2) No person other than a registered producer entitled to vote may act as proxy.<sup>20</sup>
- (3) No person may act as proxy for more than one registered producer.

48

- (1) Every question put before a general meeting of registered producers shall be decided on a show of hands unless, either before or immediately after the show of hands, a ballot is demanded by the chairman or by or on behalf of not less than 10 registered producers, in which case a ballot shall be taken forthwith.

- (2) On the taking of a ballot, the number of votes to which a registered producer is entitled (hereinafter referred to as the “standard number of votes”) shall be in accordance with the quantity of milk sold by the registered producer to or through the Board in the financial year of the Board last ended, as follows –
- (a) for each 5,000 pots or part thereof up to a maximum of 60,000 pots ... ..  
... .. 1 vote
  - (b) for each further 10,000 pots or part thereof up to a maximum of 180,001 pots  
... .. 1 vote
- (A registered producer is not entitled to votes in respect of milk sold by a ceased registered producer, notwithstanding that the registered producer has acquired the latter’s herd).<sup>21</sup>
- (3) In the case of a ballot taken for the election of members of the Board, each registered producer shall have the standard number of votes multiplied by the number of persons to be elected, but the registered producer shall not give more than the standard number of votes in favour of any one candidate.
- (4) The registered producers who are entitled to vote at a general meeting are those who have attained the age of 18 years and who would be entitled to at least one vote on the taking of a ballot.<sup>22</sup>

**49**

A registered producer being a body corporate may exercise any of its rights at a meeting of registered producers by a nominee, and registered producers who are in partnership may exercise any of their rights at such meeting by any one of the partners, if the Board has received written notice of the appointment of the nominee or partner not later than 3 days before the date of the meeting.<sup>23</sup>

**50**

At any meeting of registered producers, the declaration of the chairman as to the result of any vote or show of hands shall be final; and in the event of an equality of votes the chairman shall, in addition to the chairman’s other vote or votes, if any, have a casting vote.

**PART 6****AMENDMENT AND REVOCATION OF SCHEME AND WINDING-UP OF THE BOARD****51**

Before submitting a substitutional scheme or an amendment of this Scheme to the Minister, the Board shall publish the proposed scheme or amendment by serving notice thereof on every registered producer.

**52**

A poll may be demanded in writing by not less than one quarter of the registered producers possessing not less than one quarter of the milch cows possessed in Jersey by all registered producers –

- (a) on the question whether or not a substitutional scheme or an amendment of this Scheme shall be submitted to the Minister, within one month from the publication thereof; and



- (b) on the question whether or not this Scheme shall be revoked, at any time:

Provided that the Minister may refuse to take a poll on the question whether or not this Scheme shall be revoked within 3 years of the declaration of the result of a previous poll on that question.

**53**

- (1) For so long as the Board shall remain legally entitled so to do, the Board shall conduct its own winding-up:

Provided that no such winding-up shall be commenced except following a resolution to that effect passed by the registered producers in general meeting.

- (2) Where, at the winding-up, the assets of the Board are more than sufficient to discharge the debts and liabilities of the Board, the surplus shall be distributed in such manner as the registered producers in general meeting shall determine.

- (3) Where, at the winding-up, the assets of the Board are not sufficient to discharge the debts and liabilities of the Board, including the costs of the winding-up, then every person who was a registered producer during the relevant period, that is to say –

- (a) where the Scheme has been revoked before the commencement of the winding-up, the year immediately preceding the revocation of the Scheme; or  
(b) where the Scheme has not been so revoked, the year immediately preceding the commencement of the winding-up,

shall be liable to contribute to the deficit an amount proportionate to the maximum number of milch cows which were in the person's possession in Jersey at any one time during the relevant period:

Provided that such contribution shall not in any case exceed £3 per cow.

- (4) Every contribution payable under sub-paragraph (3) shall be recoverable by the Board as a civil debt.

## **PART 7**

### **MISCELLANEOUS**

**54**

Any producer who is aggrieved by any act or omission of the Board may refer the matter to the arbitration of an Arbitration Board of not more than 3 persons to be agreed upon between the producer and the Board or, in default of agreement, to be nominated by the Minister on the application of either party, and the Arbitration Board may make such order in the matter as it thinks just and such order shall be binding on the Board and on the producer.

**55**

Any registered producer who satisfies the Board, or establishes by arbitration in accordance with paragraph 54, that the Board has in any respect given an undue preference to any other registered producer, shall be entitled to receive from the Board such sums by way of compensation as may be necessary to make good any damage suffered by the registered producer by reason of the undue preference.

**56**

Where, by reason of a registered producer dying, or becoming subject to some legal disability, or entering into a composition or scheme or arrangement with the registered producer's creditors, any property in, or control of, the regulated producer is transferred from the registered producer to a personal representative, trustee, delegate, special and general attorney or other person, such person shall, for all the purposes of this Scheme, be deemed to be a producer.<sup>24</sup>

**57**

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

**58**

For the purposes of this Scheme every cow which is for the time being upon premises occupied by a producer shall, unless the contrary is proved, be deemed to be in the possession of that producer.

**59**

- (1) The Minister shall have power to remove from the register of producers, the name of any producer who has been convicted, on 2 or more occasions, of a contravention of the provisions of this Scheme.
- (2) The Board shall inform the Minister of any such conviction.
- (3) The Board shall inform the Minister whenever a registered producer ceases to be a producer and on being so informed the Minister shall remove the name of that producer from the register.

**60**

- (1) Where any provision of this Scheme requires that a resolution of the Board shall be a prescriptive resolution, that resolution shall be recorded by the Board in a separate record of prescriptive resolutions.
- (2) Such record shall be open for inspection at the office of the Board at any time that that office is open and any person shall be entitled to be supplied with a copy of any entry therein on payment of a fee not exceeding one pound in respect of each prescriptive resolution copied, or to take extracts therefrom for the person's own use free of charge.<sup>25</sup>
- (3) The Board shall send to each registered producer a copy of every prescriptive resolution as soon as practicable after it is made and shall also send to every registered producer once in every year a list of the prescriptive resolutions then in force. Such list shall state in respect of each resolution –
  - (i) the date on which it was made,
  - (ii) the subject matter to which it relates,
  - (iii) if any copy of it has been sent in the manner provided in subparagraph (4), the date or other identifying mark appearing on the journal which contains such copy.
- (4) Any such copy or list as aforesaid may be sent to a registered producer by sending to the registered producer, free of charge, any journal published by the Board containing such copy or such list.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Milk Marketing Scheme (Approval) (Jersey) Act 1954	<a href="#">R&amp;O.3497</a>	9 October 1954
Milk Marketing Scheme (Amendment) (Jersey) Act 1955	R&O.3597	9 July 1955
Milk Marketing Scheme (Amendment No. 2) (Jersey) Act 1957	R&O.3831	29 June 1957
Milk Marketing Scheme (Amendment No. 3) (Jersey) Act 1966	R&O.4773	2 April 1966
Milk Marketing Scheme (Amendment No. 4) (Jersey) Act 1974	<a href="#">R&amp;O.5929</a>	21 January 1974
Milk Marketing Scheme (Amendment No. 5) (Jersey) Act 1976	<a href="#">R&amp;O.6368</a>	1 January 1977
Milk Marketing Scheme (Amendment No. 6) (Jersey) Act 1981	<a href="#">R&amp;O.6929</a>	29 April 1981
Milk Marketing Scheme (Amendment No. 7) (Jersey) Act 1984	<a href="#">R&amp;O.7273</a>	28 March 1984
Milk Marketing Scheme (Amendment No. 8) (Jersey) Act 1990	<a href="#">R&amp;O.8044</a>	28 March 1990
States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005	<a href="#">R&amp;O.44/2005</a>	9 December 2005
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 ( <a href="#">R&amp;O.51/2018</a> )

### Table of Renumbered Provisions

Original	Current
2	spent, omitted from this revised edition
3	2
SCHEDULE	SCHEDULE
4	spent, omitted from this revised edition
5	4
6	5
7	6

Original	Current
8	7
9	8
10	9
11	10
12	11
13	12
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17	16
18	17
19	18
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Original	Current
55	54
56	55
57	56
58	57
59	58
60	59
61	60

### Table of Endnote References

- <sup>1</sup> *This Act has been amended by the States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government.*
- <sup>2</sup> Paragraph 2(1) *definition “pot” inserted by R&O.3597*
- <sup>3</sup> Paragraph 4 *amended by R&O.6368,R&O.6929,R&O.7273*
- <sup>4</sup> Paragraph 7 *amended by R&O.8044; formerly substituted by R&O.4773*
- <sup>5</sup> Paragraph 8(2) *substituted by R&O.49/2018*
- <sup>6</sup> Paragraph 8(6) *inserted by R&O.6368*
- <sup>7</sup> Paragraph 11 *amended by R&O.6368*
- <sup>8</sup> Paragraph 12(1) *amended by R&O.6929*
- <sup>9</sup> Paragraph 14 *substituted by R&O.6929*
- <sup>10</sup> Paragraph 23 *substituted by R&O.3597*
- <sup>11</sup> Paragraph 25(2) *amended by R&O.6368*
- <sup>12</sup> Paragraph 31 *substituted by R&O.3831*
- <sup>13</sup> Paragraph 33 *substituted by R&O.3831*
- <sup>14</sup> Paragraph 35 *substituted by R&O.5929*
- <sup>15</sup> Paragraph 38 *substituted by R&O.3597*
- <sup>16</sup> Paragraph 39 *substituted by R&O.3831*
- <sup>17</sup> Paragraph 41 *substituted by R&O.3831*
- <sup>18</sup> Paragraph 44(2) *amended by R&O.6368*
- <sup>19</sup> Paragraph 47(1) *amended by R&O.6368*
- <sup>20</sup> Paragraph 47(2) *amended by R&O.6368*
- <sup>21</sup> Paragraph 48(2) *substituted by R&O.6368*
- <sup>22</sup> Paragraph 48(4) *inserted by R&O.6368*
- <sup>23</sup> Paragraph 49 *substituted by R&O.6368*
- <sup>24</sup> Paragraph 56 *amended by R&O.49/2018*
- <sup>25</sup> Paragraph 60(2) *amended by R&O.6368*