



BILLE AN BHAINNE (SOLÁTHAR A RIALÁIL), 1991
MILK (REGULATION OF SUPPLY) BILL, 1991

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As initiated

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SCHEDULE

PROVISIONS RELATING TO THE NATIONAL MILK AGENCY

ACTS AND ORDERS REFERRED TO

Milk and Dairies Act, 1935	1935, No. 22
Milk (Regulation of Supply and Price) Act, 1936	1936, No. 43
Milk (Regulation of Supply and Price) (Amendment) Act, 1941	1941, No. 11
Milk (Regulation of Supply and Price) (Amendment) Act, 1952	1952, No. 9
Milk (Regulation of Supply and Price) (Amendment) Act, 1961	1961, No. 32
Milk (Regulation of Supply and Price) (Amendment) Act, 1967	1967, No. 22
Dublin District Milk Board Order, 1936	1936, S.R. & O. No. 254
Cork District Milk Board Order, 1937	1937, S.R. & O. No. 91



BILLE AN BHAINNE (SOLÁTHAR A RIALÁIL), 1991
MILK (REGULATION OF SUPPLY) BILL, 1991

BILL

entitled

- 5 AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT
OF A NATIONAL MILK AGENCY TO REGULATE THE
SUPPLY OF MILK FOR LIQUID CONSUMPTION
THROUGHOUT THE STATE AND TO PROVIDE FOR
10 THE DISSOLUTION OF THE DUBLIN AND CORK DIS-
TRICT MILK BOARDS AND FOR OTHER MATTERS
CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

- 1.—(1) In this Act, except where the context otherwise requires— Interpretation.

“the Agency” means the National Milk Agency;

- 15 “inspector” means a person authorised in writing by the Agency to
exercise the functions conferred on an inspector under this Act;

“milk” means cows’ milk in the form of whole milk, semi-skimmed
milk, skimmed milk or in any other form to which the Milk and
Dairies Acts apply;

- 20 “the Milk and Dairies Acts” means the Milk and Dairies Act, 1935,
and any enactment which is to be construed as one with that Act;

“the Minister” means the Minister for Agriculture and Food;

“prescribed” means prescribed by the Minister by regulations under
this Act;

- 25 “processor” means a person who is the owner or occupier of a milk
treatment dairy within the meaning of the Milk and Dairies Acts;

“producer” means a person who is the owner or occupier of a milk
production holding within the meaning of the Milk and Dairies Acts;

- 30 “register” means a register maintained under this Act and cognate
words shall be construed accordingly.

(2) In this Act, unless otherwise indicated, a reference to a section
or Schedule is to a section or Schedule of this Act and a reference to
a subsection or paragraph is to the subsection or paragraph of the
provision in which the reference occurs.

(3) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended or adapted by or under any other enactment.

National Milk
Agency.

2.—(1) There shall be a body to be known as the National Milk Agency to regulate the supply of milk for liquid consumption in accordance with the provisions of this Act. 5

(2) The Agency shall comprise a chairman and members appointed as representing the interests of producers, processors, distributors, retailers and consumers of milk.

(3) The Agency shall stand established on such day as the Minister by order appoints. 10

(4) The Agency shall be a body corporate with perpetual succession and power to sue and be sued and to acquire, hold and dispose of land.

(5) The provisions of the *Schedule* shall apply to the Agency. 15

Dissolution of
Dublin and Cork
District Milk
Boards.

3.—(1) The Minister shall by orders made under section 6 (3) of the Milk (Regulation of Supply and Price) Act, 1936, revoke the orders made under section 6 (1) of that Act, namely, the Dublin District Milk Board Order, 1936, and the Cork District Milk Board Order, 1937, as amended by any subsequent orders. 20

(2) The orders made in pursuance of *subsection (1)* shall be expressed to have and shall have effect on the date of establishment of the Agency.

(3) Section 7 of the Milk (Regulation of Supply and Price) Act, 1936, and section 4 of the Milk (Regulation of Supply and Price) (Amendment) Act, 1941 (which contain provisions consequential on the revocation of orders made under section 6 (1) of the said Act of 1936) shall continue to have effect for the purposes of such revocation notwithstanding the repeal of those Acts by this Act. 25

(4) Whenever the Minister makes an order under section 7 of the Milk (Regulation of Supply and Price) Act, 1936, the order may provide, notwithstanding anything to the contrary in section 4 of the Milk (Regulation of Supply and Price) (Amendment) Act, 1941, that specified assets of the abolished board shall stand transferred to the Agency or to a person specified in the order as being engaged in providing services to farmers either in a former production district or otherwise; and it shall not be necessary for the Minister to convert any property into money for that purpose. 30 35

REGULATION OF MILK SUPPLY

Sale and purchase
of milk.

4.—(1) Milk shall not be sold for liquid consumption in the State unless— 40

(a) (i) it has been purchased—

(I) from a producer under a contract registered under this Act ("a registered contract"), or

(II) from a registered processor who purchased the milk from a producer under a registered contract, 45

and

(ii) it has been produced on a milk production holding and has been heat treated by a registered processor in accordance with the Milk and Dairies Acts, 50

or

(b) the sale is exempt under the subsequent provisions of this section.

(2) Subsection (1) does not apply to—

5 (a) milk which has been obtained by a processor under an exemption licence granted by the Minister under the Milk and Dairies Acts, or

(b) milk the sale of which in a form other than heat treated milk is authorised by the Minister for Health under the Milk and Dairies Acts, or

10 (c) milk pasteurised in a domestic pasteurising appliance for home consumption in accordance with the said Acts, or

(d) milk legally imported into the State.

(3) A registered processor shall be entitled to sell milk for liquid consumption in any part of the State provided he complies with the provisions of the Milk and Dairies Acts and this Act.

15 (4) A person who sells or purchases milk or offers or exposes milk for sale in contravention of any provision of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

20 (5) Where a person continues to contravene any provision of this section after conviction of the original contravention he shall be guilty of contravening the provision on every day on which the contravention so continues and for each such offence he shall be liable on summary conviction to a fine not exceeding £1,000.

25 (6) This section shall come into operation two months after the establishment of the Agency.

30 5.—(1) The Agency shall, on the application of either party, register a contract for the supply of milk for liquid consumption made between a producer and a processor provided the requirements of this section are complied with.

Registration of contracts.

(2) The contract shall be a contract for an unbroken period of 12 months or more which—

35 (a) specifies that the milk supplied by the producer will at all times be of a quality specified by the Agency as being suitable for untreated milk intended for heat treatment or sale for liquid consumption in the form of milk;

40 (b) provides for supply all the year round by the producer of untreated milk with a specified minimum percentage of the producer's production being supplied during a prescribed period (the "winter months") or for supply during the winter months only;

45 (c) in the opinion of the Agency, provides adequate compensation to the producer for untreated milk supplied under the contract throughout the year, taking into account, in particular, in relation to the winter months, the economic cost of production of milk of suitable quality for ultimate liquid consumption all the year round;

(d) in respect of every year of its existence after the first year, is supplemented by an agreement between the parties submitted to the Agency not later than the end of June each year which, in the opinion of the Agency, provides sufficient guarantee that adequate compensation will be made to the producer for untreated milk supplied under the contract during the following winter months taking into account, in particular, in relation to the winter months, the economic cost of production of milk of suitable quality for ultimate liquid consumption all the year round. 5 10

(3) The producer shall satisfy the Agency that his milk production holding meets the requirements of the Milk and Dairies Acts.

(4) The processor shall satisfy the Agency that his milk treatment dairy meets the requirements of the Milk and Dairies Acts and shall undertake to purchase untreated milk to be heat treated and sold as milk for liquid consumption only in accordance with a registered contract unless such sale is exempt under *section 4*. 15

Registers.

6.—(1) The Agency shall maintain—

(a) a register of contracts,

(b) a register of producers in which shall be entered particulars of every producer who is a party to a registered contract, and 20

(c) a register of processors in which shall be entered particulars of—

(i) every processor who is a party to a registered contract, and 25

(ii) every processor who processes milk produced on the processor's own milk production holding and, on application to the Agency for registration, satisfies the Agency that the holding and his milk treatment dairy meet the requirements of the Milk and Dairies Acts. 30

(2) Every application under *section 5* or under *subsection (1) (c) (i)* of this section shall be made in the prescribed form and contain the prescribed particulars. 35

Levies payable by processors.

7.—(1) In this section "accounting period" means the month commencing on the date of establishment of the Agency or any subsequent month.

(2) Every processor who is, during the whole or any part of an accounting period, registered under this Act shall, within a prescribed time after the end of that period— 40

(a) make in the prescribed form the following returns to the Agency—

(i) the quantity of milk which, during the accounting period, was either acquired from any registered producer or any other registered processor or produced on the processor's own milk production holding, and 45

- (ii) the quantity of milk which, during the accounting period, was sold by the processor for liquid consumption,

and

- 5 (b) pay to the Agency a levy in respect of the accounting period calculated at a rate determined under *subsection (3)* for each gallon of milk either acquired from any registered producer in accordance with the terms of a contract registered with the Agency or produced on the processor's own milk production holding.

- 10 (3) (a) The rate of levy shall, subject to *paragraph (b)*, be such rate and be paid within such time as is specified by the Minister by order made on the establishment of the Agency.

- 15 (b) The Agency may, after consultation with the Minister, alter the rate of levy on giving two months' notice in writing specifying the altered rate and the date on and from which it is to take effect to each registered producer and registered processor of the Agency's decision.

- 20 (4) In the event of non-payment of the levy due by any person for an accounting period within the specified time the Agency shall make a certificate (a "certificate of indebtedness") certifying the amount of the levy payable by that person for that period.

- 25 (5) Every certificate of indebtedness shall be evidence of all matters purporting to be certified therein, and any document purporting to be a certificate of indebtedness shall, on production in any proceedings to recover the amount thereby certified to be payable, be deemed, until the contrary is proved, to be a certificate of indebtedness duly made under this section and shall be admitted in evidence accordingly.

- 30 (6) The Agency shall cause a certificate of indebtedness to be served on the person to whom the certificate relates, and thereupon the amount of the levy stated in the certificate shall be recoverable by the Agency from that person as a simple contract debt in any court of competent jurisdiction.

- 35 (7) If any person registered in any register kept by the Agency—

(a) fails to make to the Agency any return which he is required by this section to make, or

(b) makes any such return which is false or misleading in any material respect, or

- 40 (c) fails to pay within the time appointed by this section any amount payable by him to the Agency under this section,

the Agency may cancel the registration of that person in the register.

- (8) Whenever the registration of any person has been cancelled on account of non-payment of any amount payable by that person to the Agency under this section, the Agency shall, if the amount is paid by that person within three months after the date of cancellation, restore the registration with effect from the date of payment.

- 50 (9) Service of a copy of a certificate made under this section may be made by delivering it to the person to whom it relates or by sending it by post addressed to that person at any place where he carries on business.

(10) Every person who—

- (a) fails to make within the time limited by this section any return which he is required by this section to make, or
- (b) who makes any such return which is false or misleading in any material respect,

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shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Returns by
registered persons.

8.—(1) The Minister may prescribe the returns to be made by persons registered in any register.

(2) Every person who fails or refuses to make any return in accordance with the regulations or who makes in any such return any statement which is false or misleading in any material respect, shall be guilty of an offence and shall be liable on summary conviction in the case of a first offence to a fine not exceeding £250, and, in the case of a second or any subsequent offence to a fine not exceeding £500.

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Records to be kept
by registered
persons.

9.—(1) It shall be the duty of every person registered in any register kept by the Agency to keep or cause to be kept at such premises as may be prescribed the prescribed records in the prescribed form and to make or cause to be made in every such record the prescribed entries at or within the prescribed times.

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(2) Every record kept at any premises in pursuance of this section may be inspected by an inspector at any time during which business is being carried on and it shall be the duty of the person liable under this section to keep the record—

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(a) to produce it for the inspection of the inspector on demand and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not available), reasonably demanded by the inspector for the purpose of verifying any entry in or explaining any omission from the record,

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(b) to permit the inspector to take copies of the record or other document or extracts therefrom.

(3) If any person liable under this section to keep a record—

(a) fails to keep or cause to be kept such record as is required by this section, or

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(b) fails to make or cause to be made in the record within the prescribed time any entry required to be made therein, or

(c) fails to produce or cause to be produced for the inspection of an inspector on demand any record, document or copy of a document which he is required by this section so to produce, or obstructs an inspector in the making of such inspection, or

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(d) makes or causes to be made in the record any entry which is false or misleading in any material particular,

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he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

5 (4) A demand for an inspection of a record or of any other document reasonably demanded by an inspector under this section shall be deemed to have been duly made to the person liable under this section to keep the record if made verbally at the prescribed premises to any individual in the employment of such person.

10 (5) A refusal or failure to produce a record required by this section to be kept at any premises, or of any other document reasonably demanded by an inspector under this section for the purpose of verifying any entry in or any omission from the record, if made or committed by an individual in the employment of the person liable under this section to produce the record or document, shall be deemed to have been made or committed by that person.

15 **10.—**(1) The Agency may publish, in such manner as it thinks fit, all or any of the matters entered in any register and notice of every cancellation or alteration of an entry. Publication of contents of registers and other matters.

20 (2) No individual return or part of a return furnished in pursuance of this Act shall be published or disclosed except for the purpose of a prosecution under this Act.

(3) The Agency may, from time to time, collect and publish such statistical information (including statistics derived from returns made pursuant to this Act) as it thinks fit with respect to the extent of the business carried on by registered producers or processors.

25 (4) So far as is reasonably practicable, no statistical information published under this section shall contain any particulars which would enable any person to identify such particulars as being particulars relating to any individual person, business or concern without the consent in writing of such last-mentioned person or of the proprietor of that business or concern.

35 **11.—**(1) Where any registered person dies the Agency shall, on the application of the personal representative of that person made in such manner and form and containing such particulars as the Agency may require, insert in the appropriate register the name of the personal representative in lieu of that of the deceased person. Change of registration on death or transfer of business.

(2) Where the ownership of any business carried on at registered premises has been transferred to another person, the Agency shall, on the application of that person, made in such manner and form and containing such particulars as the Agency may require, insert in the appropriate register the name of that person in lieu of that of the person previously registered.

45 **12.—**(1) The Agency may alter or cancel the registration of any person in any register upon the application of that person or, in the case of an individual, his personal representative or, in the case of a body corporate, the liquidator. Alteration or cancellation of registration.

(2) The Agency may alter any entry in a register which appears to the Agency to be erroneous or misleading.

(3) The Agency may cancel any entry in a register if—

50 (a) the Agency is satisfied that the entry was procured through fraud or by misrepresentation, or

- (b) the registered person has ceased to carry on the business in respect of which he was registered, or
 - (c) the registered person, if an individual, has died, or, if a body corporate, has been dissolved and no other person has within three months after such death or dissolution been registered in the place of the registered person, or 5
 - (d) the registered person has been adjudicated a bankrupt, or
 - (e) the registered person has been convicted of an offence under this Act, or
 - (f) the premises entered in the register are not or have ceased to be registered in a register of dairymen kept under the Milk and Dairies Acts. 10
- (4) (a) Before altering or cancelling (otherwise than in accordance with an application under *subsection (1)*) an entry in a register, the Agency shall give at least two weeks' notice in writing to the registered person or his personal representative (if any) or to the trustee in bankruptcy or the liquidator (as the case may be) stating its intention to do so and the reasons therefor. 15
- (b) The Agency shall not alter or cancel the entry before the expiration of the notice. 20
- (c) Where any representations are made within seven days (or such longer period as the Agency may think proper) after the service of the notice by the person to whom the notice is given— 25
- (i) the Agency shall consider the representations, and
 - (ii) unless the Agency decides not to alter or cancel the entry, the Agency, in case that person, within seven days (or such longer period as the Agency may think proper) after service of the notice, requests that an inquiry be held in relation to the matter and pays to the Agency the prescribed fee shall or, in any other case if the Agency thinks fit, may cause an inquiry to be held, and 30
 - (iii) where the Agency causes an inquiry to be held, it shall not alter or cancel the entry before the inquiry has concluded. 35
- (5) The following provisions shall have effect in relation to the inquiry—
- (a) the Agency shall appoint a fit and proper person to hold the inquiry, and the person so appointed shall have power to take evidence on oath which he is hereby authorised to administer; 40
 - (b) the Agency shall give to the registered person notice of the time and place of the holding of the inquiry, and the registered person shall be entitled to appear at the inquiry by counsel or solicitor and to adduce evidence; 45
 - (c) if as the result of the inquiry the Agency decides not to alter 50

or cancel the entry the Agency shall repay any fee which the registered person has paid in respect of the inquiry.

- 5 (6) A notice of the Agency's intention to cancel or alter any entry may be served by delivering it to the person to whom it is addressed or by sending it by post to that person at his last known place of abode.

13.—(1) Every register shall—

Provisions in relation to registers and evidence.

- (a) be deemed to be in the proper custody when in the custody of the Agency, and
10 (b) be admissible in evidence without further proof on production from the proper custody.

- (2) Evidence of any entry in a register may be given in all legal proceedings by the production of a document purporting to be certified to be a true copy of the entry by the secretary of the Agency and it
15 shall not be necessary to prove his signature or that he is in fact the secretary of the Agency.

- (3) A certificate purporting to be under the hand of the secretary of the Agency that any person or any premises specified in the certificate is, or are, not entered in a specified register shall be
20 evidence of the matters so certified, and it shall not be necessary to prove his signature or that he is in fact the secretary of the Agency.

- (4) Any person may at all reasonable times inspect a register on payment of the prescribed fee and may obtain a certified copy of an entry or certificate under this section on payment to the Agency of
25 the prescribed fee.

MISCELLANEOUS

14.—(1) An inspector may—

Powers of inspection and examination.

- (a) at all times enter upon and have free access to any premises in which milk is or is believed to be sold or kept, exposed
30 or stored for sale, or the premises of any person engaged in the business of carrying goods for reward, or any railway wagon, motor lorry, cart or other vehicle used for the conveyance of goods;

(b) open and examine all milk tankards or other receptacles
35 found in any place or vehicle to which he has access by virtue of this section and in which milk is believed to be;

(c) ask of any person having the custody or possession of any milk, milk tankards or other receptacles found in the exercise of his functions under this section such questions
40 in relation to the milk, tankards or other receptacles as the inspector thinks proper, and demand and take the name and address of any such person and also demand and take from any such person the name and address of the owner of the milk, tankards or other receptacles;

(d) take without payment, from any such milk tankard or other
45 receptacle containing milk, a sample not exceeding one pint.

(2) A producer or processor shall, at the request of an inspector, make full disclosure of information concerning any particular supply, sale, purchase or delivery of milk or concerning any arrangement or other matter relating thereto and shall give access to and make available all such information to an inspector at his request. 5

(3) Every person who—

- (a) obstructs or impedes an inspector in the exercise of his functions under this section, or
- (b) fails or refuses to answer to the best of his knowledge and ability any question asked of him by an inspector in exercise of any such function, or 10
- (c) gives an answer to any such question which is to his knowledge false or misleading, or
- (d) fails or refuses to give a name or address asked of him under this section, or gives a name or an address which is false or misleading, 15

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Prohibition on disclosure of information by members and officers of the Agency.

15.—(1) Subject to the provisions of this Act, it shall not be lawful for any member or employee of the Agency to disclose any information in relation to the business of any other person or body obtained by him in his capacity as such member or employee. 20

(2) Any person who contravenes this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000. 25

(3) *Subsection (1)* does not apply to the disclosure of any information for the purposes of any legal proceedings (whether civil or criminal) taken or proposed to be taken under this Act or authorized or required under this or any other enactment.

Funds to be kept by the Agency.

16.—(1) The Agency shall keep a fund (in this section referred to as "the fund") and shall maintain and manage the fund in accordance with this Act. 30

(2) All moneys received by the Agency under this Act shall be paid by the Agency into the fund.

(3) There shall be paid out of the fund the following moneys and no other moneys, that is to say, all moneys required by this Act to be paid by the Agency and all other expenses incurred by the Agency in the execution of its functions. 35

(4) The Agency may, for the purpose of meeting charges required by this Act to be paid out of the fund, borrow on the security of the fund. 40

(5) So much of the fund as in the opinion of the Agency is for the time being not required for the making of payments out of the fund shall be invested by the Agency in investments in which trustees are by law authorised to invest trust funds. 45

(6) The Agency may from time to time at its discretion vary any

investment or transpose moneys invested under this section into other investments authorised under this section and may at any time sell and convert into money all or any investments made by them under this section.

- 5 (7) All dividends and interest received by the Agency on investments made by them under this section or in respect of the sale of any such investments shall be paid into the fund.

10 17.—(1) The Agency shall keep all proper books of account and other books and records and shall within three months after the end of every year prepare and transmit to the Minister a statement of accounts (duly audited and certified by an auditor appointed by the Agency with the consent of the Minister) in respect of that year.

Accounts, records
and reports of the
Agency.

15 (2) The Agency shall in each year, at such date and in such form as the Minister may direct, make to the Minister a report of its proceedings during the preceding year and the Minister shall lay the report before each House of the Oireachtas.

(3) The Agency shall furnish to the Minister such information, statistics and returns as the Minister may from time to time require.

20 (4) The Agency shall on payment of £5 furnish to any person a copy of any statement of accounts which has been prepared by it in pursuance of this section.

18.—(1) A producer or processor may appeal to the Minister against—

Appeals against
decisions of the
Agency.

25 (a) the refusal of the Agency to register a contract under *section 5 (1)*,

(b) the cancellation of registration of a person in any register under *section 7 (7)*,

(c) the alteration of an entry in any register under *section 12 (2)*,
or

30 (d) the cancellation of an entry in any register under *section 12 (3)*,

and the Minister shall appoint one of his officers to hear and determine the appeal.

35 (2) (a) A producer or processor who is dissatisfied with a decision under this section may appeal to the Circuit Court against the decision.

40 (b) The jurisdiction conferred on the Court by this subsection shall be exercised by the judge for the time being assigned to the circuit where the appellant ordinarily resides or where either the producer or the processor carries on business or, at the option of the appellant, by a judge of the Court for the time being assigned to the Dublin circuit.

(c) Subject to *paragraph (d)*, a decision of the Court under *paragraph (a)* shall be final.

45 (d) An appeal may be brought to the High Court on a point of law against such a decision.

(3) The Agency shall be entitled to be represented and to be heard at any appeal under this section.

(4) Where an appeal is brought to a Court under *subsection (2)* in relation to the alteration or cancellation of an entry in a register, the Court, if it so thinks proper, may by order suspend the operation of the alteration or cancellation until the final determination of the appeal or for such other period as the Court may determine. 5

Regulations.

19.—(1) The Minister may make regulations in relation to any matter referred to in this Act as prescribed.

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 10 15

Repeals and saver.

20.—(1) The Milk (Regulation of Supply and Price) Acts, 1936 to 1967, are hereby repealed.

(2) Subject to *section 3 (3)*, the said repeals shall take effect on the date of establishment of the Agency.

Expenses.

21.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. 20

Short title.

22.—This Act may be cited as the Milk (Regulation of Supply) Act, 1991.

Section 2.

SCHEDULE

25

PROVISIONS RELATING TO THE NATIONAL MILK AGENCY

Chairman of Agency.

1. (1) The Minister shall before the establishment date and thereafter as occasion requires nominate a person to be Chairman of the Agency.

(2) The office shall be part-time. 30

(3) The Chairman shall hold office during the pleasure of the Minister and shall be paid by the Agency such remuneration and such allowances for expenses as the Minister, after consultation with the Minister for Finance, may from time to time appoint.

(4) Whenever the Chairman is, through ill-health or other sufficient cause, temporarily incapacitated from performing the duties of his office, the Minister may appoint a person to act in his place during such incapacity and the person so appointed shall during such incapacity be deemed for all the purposes of this Act to be the Chairman of the Agency. 35 40

Appropriate number of ordinary members.

2. In this Schedule "the appropriate number" in relation to any description of ordinary members means such number as is prescribed.

3. (1) The appropriate number of first and subsequent ordinary members nominated by processor, distributor, retail and consumer interests shall be appointed to the Agency by the Minister.

Ordinary members representing interests of processors, distributors, retailers and consumers.

5 (2) Each ordinary member shall, unless he sooner dies, resigns or becomes disqualified, hold office until the day of entry into office of subsequent ordinary members.

10 4. (1) The Minister shall appoint to the Agency the appropriate number of first ordinary members nominated on the advice of producer interests who will serve until replaced by the first elected members.

Producer members.

(2) Each first ordinary producer member shall, unless he sooner dies, resigns or becomes disqualified, hold office until the day of entry into office of first elected members.

15 5. (1) The Minister shall in the year of establishment of the Agency and in every third year thereafter seek nominations from processor, distributor, retail and consumer interests to fill the appropriate number of ordinary members' posts. A processor nominee must be a registered processor.

Appointment provisions.

20 (2) The Minister shall in the year of establishment of the Agency and in every third year thereafter prescribe a day (an "election day") to be an election day for producer members.

(3) On every election day an election shall be held for the election by registered producers of the appropriate number of producer members.

25 (4) The producers entitled to vote at such an election shall be those who stand registered as such on the first day of the month preceding the month in which the election day falls.

(5) Every election shall be held and conducted in the prescribed manner.

30 6. (1) Every ordinary member (other than a person appointed to fill a casual vacancy) of the Agency shall, unless he sooner dies, resigns or becomes disqualified, hold office—

Term of office of ordinary members.

(a) in the case of an elected member, from the day following his election until the day following the next election day,

35 (b) in the case of a nominated member, from the day of his appointment until the day of termination of the appointment.

(2) An ordinary member ceasing to hold office by effluxion of time shall be eligible for re-election or re-nomination.

40 7. (1) An ordinary member may at any time resign his office by letter addressed and sent to the secretary of the Agency and the resignation shall take effect at the commencement of the meeting of the Agency held next after the receipt of the letter.

Resignation and disqualification.

(2) If an ordinary member of the Agency is adjudged bankrupt, or

	makes a composition or arrangement with his creditors, or is convicted of an offence under this Act, or ceases to be ordinarily resident in the State or ceases to be registered, in case he is a producer member, in the register of producers or, in case he is a processor member, in the register of processors, he shall be disqualified from holding and shall cease to hold the office of ordinary member.	5
Casual vacancies.	8. (1) Whenever a casual vacancy occurs in the membership of the Agency by reason of the death, resignation or disqualification of an ordinary member the Chairman shall notify the Minister of the vacancy, and the Minister shall, as soon as may be, after consultation with the Agency, appoint a person to fill the vacancy being, in case the ordinary member was a producer member, a registered producer or, in case he was the nominee of processor, distribution, retail or consumer interests, a person nominated on the advice of the relevant interests. A processor nominee must be a registered processor. (2) Every person appointed to fill a casual vacancy shall, unless he sooner dies, resigns or becomes disqualified, hold office for the residue of the term of office of the member whose place he fills.	10 15
Temporary substitutes.	9. Whenever it appears to the Minister that on account of illness or for other sufficient reason an ordinary member is temporarily unable to discharge his duties, the Minister may appoint a suitable alternative person from the relevant interests (being, in case the ordinary member was a producer member, a registered producer or, in case he was the nominee of processor interests, a registered processor) to act in his place for such period (not exceeding the duration of the inability) as he thinks proper.	20 25
Remuneration of ordinary members.	10. Every ordinary member shall be paid by the Agency such allowances for expenses as the Minister, with the consent of the Minister for Finance, from time to time appoints.	
Staff and offices.	11. (1) The Agency shall, with the consent of the Minister and the Minister for Finance, appoint a Chief Executive, and such and so many other staff as the Agency considers necessary for the due performance of its functions on such terms and conditions as the Agency may determine. They shall be paid such remuneration and allowances as the Minister, in consultation with the Minister for Finance, may from time to time appoint. (2) The Agency shall have an office for the receipt of communications and notices and shall notify the Minister of the address of the office and any change in that address. (3) The Agency may purchase, lease, build or otherwise acquire, equip and maintain such offices and other premises as it considers necessary for the performance of its functions and may sell, lease or otherwise dispose of part or all of such offices or premises.	30 35 40
Superannuation.	12. (1) The Agency may prepare and submit to the Minister a superannuation scheme or schemes for the granting of pensions, gratuities and other allowances on resignation, retirement or death to or in respect of the permanent whole-time staff of the Agency which shall fix the time and conditions of retirement of such persons or any class of such person. (2) The Agency may prepare and submit to the Minister a scheme	45 50

amending a scheme previously submitted by the Agency and approved of under this paragraph.

5 (3) Every scheme under this paragraph shall be subject to the approval of the Minister with the concurrence of the Minister for Finance and, if so approved, shall be carried out by the Agency in accordance with its terms.

10 (4) If any dispute arises as to the claim of any person to, or the amount of, any allowance payable under this paragraph the dispute shall be submitted to the Minister, who shall refer it to the Minister for Finance, whose decision shall be final.

13. (1) The Agency may act notwithstanding one or more vacancies amongst the ordinary members. Procedure of the Agency.

(2) The Agency may by standing orders or otherwise regulate its own procedure subject to the provisions of this Schedule.

15 (3) The Agency shall hold its first meeting on such day and at such time and place as the Minister shall appoint.

(4) Subject to the provisions of this Schedule, the Agency shall hold such and so many meetings and at such times as may be necessary for the proper discharge of its functions.

20 (5) No meeting of the Agency shall be held in the absence of the Chairman.

(6) The quorum for a meeting of the Agency shall be eight.

25 (7) Every question arising at a meeting shall be determined by a majority of the votes of the ordinary members present and voting on the question. In the case of an equal division of votes the Chairman shall have a casting vote.

14. (1) The Agency shall provide itself with a seal. The seal of the Agency.

30 (2) The seal of the Agency shall be authenticated by the signature of the Chairman or some other member authorised to act in that behalf and the signature of the Chief Executive or other member of the staff authorised by the Agency to act in that behalf.

35 (3) Judicial notice shall be taken of the seal of the Agency and every document purporting to be an instrument made by the Agency and to be sealed with the seal of the Agency purporting to be authenticated in accordance with this paragraph shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

BILLE AN BHAINNE (SOLÁTHAR A
RIALÁIL), 1991

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do dhéanamh socrú chun Gníomhaireacht Náisiúnta Baine a bhunú le rialáil a dhéanamh ar an soláthar bainne lena ól ina leacht ar fud an Stáit agus do dhéanamh socrú chun Boird Bhainne Cheantair Bhaile Átha Cliath agus Chorcaí a dhíscaoileadh agus le haghaidh nithe eile a bhaineann leis na nithe réamhráite.

*An tAire Talmhaíochta agus Bia a thíolaic,
19 Iúil, 1991*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
2, nó trí aon díoltóir leabhar.

Clóbhualte ag CAHILL PRINTERS LIMITED.

£1.80

MILK (REGULATION OF SUPPLY) BILL,
1991

BILL

(*as initiated*)

entitled

An Act to make provision for the establishment of a National Milk Agency to regulate the supply of milk for liquid consumption throughout the State and to provide for the dissolution of the Dublin and Cork District Milk Boards and for other matters connected with the matters aforesaid.

*Presented by the Minister for Agriculture and
Food,
19th July, 1991*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
Sun Alliance House, Molesworth Street, Dublin 2.

Printed by CAHILL PRINTERS LIMITED.

£1.80