

# **MILK (REGULATION OF SUPPLY) (AMENDMENT) ACT 1996**

## **LONG TITLE**

An Act to amend the Milk (Regulation of Supply) Act, 1994 and to provide for connected matters. [25th December, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

### **1 Definitions.**

SECT 1.—In this Act— "the Act of 1995" means the Milk (Regulation of Supply) (Amendment) Act, 1995; and "the Principal Act" means the Milk (Regulation of Supply) Act, 1994.

### **2 Amendment of section 3 of Principle Act.**

SECT 2.—section 3 of the Principal Act is hereby amended by— ( a ) the substitution of the following paragraph for paragraph (b) of subsection (4): "( b ) An order transferring assets and liabilities to the Minister may include provisions authorising the Minister to enter into contracts, to be completed on the date of dissolution of the dissolved Boards, for— (i) the sale as a going concern of all or any business carried on by either such Board with such assets and liabilities, as may be provided for by any such contract, or (ii) the sale of all or any of the assets of either such Board.", ( b ) the insertion of the following subsections after subsection (5): "(5A) On the dissolution, by virtue of an order made under subsection (5), of the Interim Board, the assets, liabilities, choses-in-action, contracts and commitments (expressed or implied) of the dissolved Interim Board shall stand transferred to the Minister. (5B) Without prejudice to the generality of subsection (5A), the Minister may institute proceedings to recover any moneys that are due to the Interim Board and may, for that purpose, exercise any rights of the Interim Board.", and ( c ) the substitution of the following subsection for subsection (6): "(6) The Interim Board may, to such extent as an order under subsection (4) provides— ( a ) carry on any business activities carried on by a dissolved Board, ( b ) discharge any and all liabilities of a dissolved Board, ( c ) sell as a going concern all or any business of a dissolved Board with such assets or liabilities or both as. may be provided for in the sale, or ( d ) sell all or any of the assets of a dissolved Board.".

### **3 Amendment of paragraph 3 of Schedule to Principle Act.**

SECT 3.—Paragraph 3 of the Schedule to the Principal Act is hereby amended by the insertion of the following subparagraph: "(1A) The appropriate number of subsequent ordinary members of the Agency nominated by consumer interests shall be not less than two.".

### **4 Amendment of paragraph 5 of Schedule to Principle Act.**

SECT 4.—Paragraph 5 of the Schedule to the Principal Act is hereby amended by— ( a ) the substitution of the following subparagraph for subparagraph (1) (substituted by section 2 of the Act of 1995): "(1) The Minister shall, in the year 1997 and in every third year thereafter, seek nominations from processor, distributor, retail and consumer interests of persons for appointment as members of the Agency under paragraph 3 (1). A person nominated by processor interests under this subparagraph must be a registered processor.", ( b ) the substitution of the following subparagraph for subparagraph (2) (substituted by section 2 of the Act of 1995): "(2) The Minister shall, in the year 1997 and in every third year thereafter, prescribe by regulations a day ('an election day') to be an election day for producer members.", ( c ) the substitution of the following subparagraphs for subparagraph (4): "(4) Subject to subparagraph (4A), the producers entitled to vote at such an election shall be those who stand registered as such on the first day of the month next preceding the month in which the election day falls. (4A) Where the names of more than one producer appear in the register of producers as respects a registered contract, the producer first named in the said register shall alone be entitled to vote in an election to which this paragraph relates.", ( d ) the substitution of the following subparagraph for subparagraph (5): "(5) An election shall be held in accordance with such procedures as may be prescribed and the Minister may prescribe as many

constituencies for which candidates may be elected as the Minister, having regard to the circumstances, thinks fit.", and ( e ) the insertion of the following subparagraphs after subparagraph (5): "(6) Where, in accordance with such procedures as may be prescribed, the number of candidates standing nominated for election— ( a ) exceeds the appropriate number of ordinary producer members, a poll shall be conducted for the purposes of such election, or ( b ) is less than or is equal to the appropriate number of ordinary producer members, the returning officer for the election shall declare such candidates to be elected. (7) Voting at an election shall be by secret ballot and, as prescribed, shall be on the basis of proportional representation by means of a single transferable vote. (8) Voting at an election may be conducted in all or in any particular circumstances by postal ballot in accordance with such procedures as may be prescribed and the accidental omission to give notice of a postal ballot or to send any document as may be prescribed to a person entitled to receive it or the non-receipt of such notice or document by such person, shall not invalidate that postal ballot. (9) The Agency shall bear the costs of holding the election, other than any costs incurred by candidates expressly on their own behalf."

5 Short title, collective citation and construction.

SECT 5.—(1) This Act may be cited as the Milk (Regulation of Supply) (Amendment) Act, 1996. (2) The Milk (Regulation of Supply) Acts, 1994 and 1995, and this Act may be cited together as the Milk (Regulation of Supply) Acts, 1994 to 1996, and shall be construed together as one Act.